

Preface to the digital edition of *The Life of Charles Carroll of Carrollton* (two volumes).

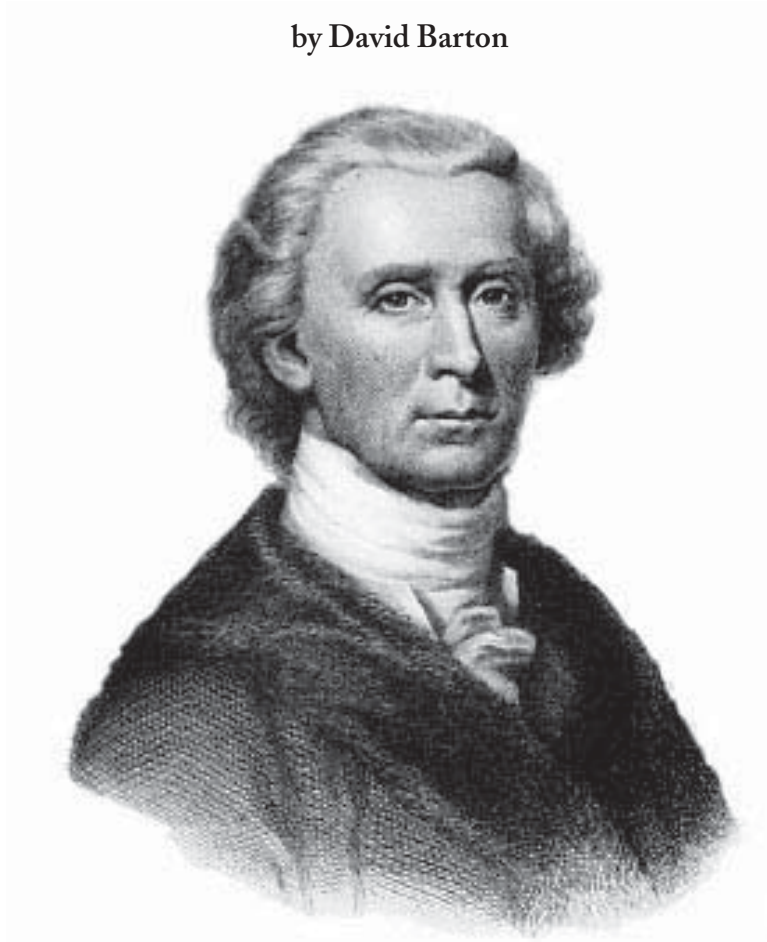
The two volumes included in this CD-Rom were originally published by Kate Mason Rowland in 1898. A brief biography of Charles Carroll written by David Barton is included in addition to the content of the two volumes by Rowland.

The format of this CD is such that the page numbers and volume numbers of this electronic version correspond exactly to the page numbers and volume numbers of the original format. This is so that if a particular quote or section is located in this CD that a writer or researcher desires to use, it can be footnoted to the exact page number and volume of the original work.

A few specific changes, however, have been made from the original version. For example, the original Tables of Contents and Index have been omitted since the user of this edition may simply execute a search command on a word or phrase and search both volumes at once (Appendix D, “Genealogical Notes – Carroll Family” has also been omitted). Additionally, modern spellings have been used throughout this electronic work, replacing the more antiquated spellings (*e.g.*, “labor” for “labour”). Other than these types of changes, the content remains as it was in the originals.

A Brief Biography of Charles Carroll of Carrollton

by David Barton

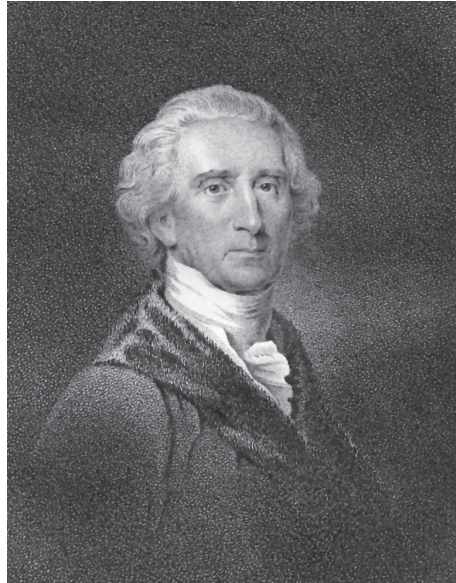


Charles Carroll (1737-1832) was a distinguished and influential Founding Father who lived an extraordinarily long life in service to his God and his country. He was not only a signer of the Declaration of Independence but also a framer of the Bill of Rights, having been elected in 1789 as an original U. S. Senator from Maryland, to the first federal Congress. At his death in 1832 at the age of 95, he was the last surviving signer of the Declaration of Independence.

Carroll's span of life was of such remarkable length that he not only lived through but was also part of many amazing transformations in the nation. For example, although he had been raised at a time when horses and carriages were the only form of ground transportation (and had been for thousands of years), Carroll helped guide the development of the first steam locomotive railroad company in America. He literally saw with his own eyes what many of his national comrades such as Benjamin Franklin and George Washington – and even many in generations for millennia before – had never even imagined.

Carroll came from an influential Catholic family with Maryland roots dating back to shortly after that Colony was founded. The Carroll family had arrived in America in 1688, and Charles' grandfather (also named Charles Carroll) had been the Attorney-General of the Colony under Lord Baltimore, the founder of the Maryland Colony. Even though Maryland had been founded by Catholics under an open declaration of tolerance for all Christian faiths, the rights of Catholics were soon revoked by the British. The Carrolls therefore found themselves a Catholic family in a Protestant State that imposed severe disabilities upon all Catholics, even denying them the right to vote, hold office, or receive higher education.

This attitude of the English toward Catholics – however deplorable it might be in today's world – was completely understandable at that time. England had been involved in several wars in which Catholic monarchs from France, Spain, and elsewhere had attempted the forcible conversion of Protestants in England through the power of the sword. In fact, so lengthy and extended were the numerous Catholic wars against the largely Protestant English that those wars became known as the Hundred Years War. As those already lengthy wars protracted even further, the successive later conflicts became known as the Second Hundred Years War. And not only did the English experience Catholic aggressions from foreign monarchs but even when a Catholic monarch would assume the British throne, it was often followed by domestic bloodbaths against Protestants (such as occurred under Mary, Queen of Scots). Therefore, given the cen-



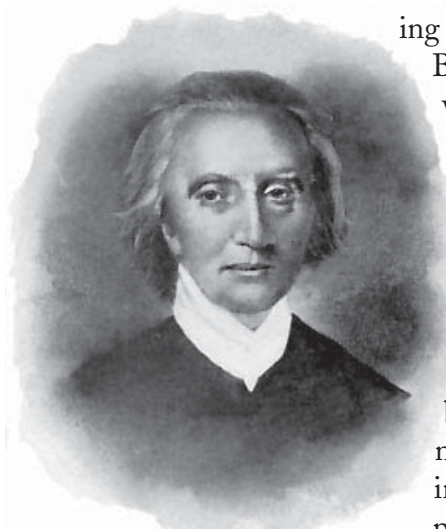
CHARLES CARROLL, DRAWN AND ENGRAVED BY
J. B. LONGACRE, AFTER A PAINTING BY FIELD

turies of adverse British experience with European Catholics and the distrust of American Catholics by the English at that time, the English desire to restrict Catholic access to power or advancement was understandable.

Since higher education of Catholic youth was forbidden by British law, when Carroll began his higher education, it was in Europe rather than in America. He began his collegiate studies at the age of ten, first in France and Bohemia (Germany), followed by the

study of law in France and London. When he returned to Maryland in 1765, his father gave him the family estate named Carrollton. Since both father and son bore the same first and last names, the son became known as Charles Carroll of Carrollton (the name he used in signing the Declaration of Independence), while his father was known as Charles Carroll of Annapolis. Shortly after Charles' (the son's) return to America, he married; his wife bore him seven children, four of which died at an early age (only two daughters and one son reached adulthood).

Carroll's return to America had occurred during the first stages of American resistance to the hated British Stamp Act and other British taxes. When certain British fees were imposed on Maryland in 1770, Maryland patriots – like their brethren throughout the other colonies – objected to the fees on the basis that they violated the British principle of taxation only with representation (that is, the tax had not been imposed upon Americans through their own elected representatives in Great Britain, for they had no such representations; this taxation was, therefore a violation of long-standing British policy). Dur-



AN ENGRAVING BASED ON A PAINTING AT
CARROLL'S ESTATE, DOUGHOREGAN MANOR

ing the ensuing debates over whether Britain had a right to tax Maryland without observing the principle of representation, Daniel Dulaney – a leading Maryland citizen – defended the right of the British to impose fees and taxes on the colonists; Carroll, however, wrote a series of articulate and well-reasoned articles that masterfully rebutted Dulaney's assertions and dismantled his arguments. Carroll was immediately recognized as a champion of popular rights and thus became a leader among the patriots.

While it might be logical to us today to make such a spokesman a leader, it was unprecedented in America in that day to do so with a Catholic. However, Carroll's patriotic service for the American cause ultimately opened new doors for Catholics in America and broke the stereotype of what many Americans had come to expect of Catholics.

In this regard, Carroll was a pioneer among American Catholics, and even somewhat of a rebel against some in his own faith, for during the American Revolution, many Catholic priests worked to keep Catholics from joining the fight for American independence, even threatening their parishioners with the withholding of absolution (i.e., forgiveness of sins) if they aided the American cause.

Carroll was not deterred from his patriotic activities, nor did he compromise his strong Christian faith. In fact, he openly acknowledged that his faith – and his desire to ensure religious freedom for all – was a principal reason for his involvement in the American Revolution. He did not want to see the continuation of a system in which the government decreed the official denomination of the land, whether Anglican, Presbyterian, Catholic, or any other. As he explained:

To obtain religious as well as civil liberty I entered jealously into the Revolution, and observing the Christian religion divided into many sects, I founded the hope that no one would be so predominant as to become the religion of the State.

In 1774, Carroll was elected to the Maryland Assembly – yet another amazing display of the trust placed in him by citizens since at that time it was still illegal for Catholics to vote or to hold office. Old prejudices were beginning to break; individuals were no longer being judged just by their labels but now also by their individual behavior. Carroll was soon thereafter appointed as a member of Maryland’s Committee of Correspondence to inform and rally Americans against British policies and oppression, and he was then named as a member of the Maryland Convention to advocate independence – a total, complete, and permanent break with Great Britain.

In January of 1776, the national Continental Congress asked Carroll to travel to Canada with Benjamin Franklin and Samuel Chase to ask the Canadians to join in the fight for independence. Six months later, in July of 1776, Carroll was made a member of the Continental Congress, where he signed the Declaration of Independence, pledging – along with the other fifty-five signers – his



CARROLL’S SIGNATURE ON THE DECLARATION OF INDEPENDENCE

life, his fortune, and his sacred honor. (By that pledge, Carroll

had more to lose than just his life; he had more material possessions at stake than any of the other signers, for he was considered the wealthiest man in America at that time.) The following year, Carroll was elevated by his peers in Congress to the elite post as a member of the congressional Board of War, directing the military operations of the American Revolution.

Carroll was active not only at the national scene but also in the affairs of his State as well. For example, he was one of a select committee of seven chosen to write Maryland’s first State constitution;



CHARLES CARROLL AT THE SIGNING OF THE DECLARATION OF INDEPENDENCE

when that State constitution was ratified, Carroll left the Continental Congress and returned home to serve as a State Senator, where he was elected President of the State Senate.

In 1787, Carroll was appointed as a delegate to the Constitutional Convention to draft the U. S. Constitution, but he declined that appointment. Following the ratification of the U. S. Constitution, he was elected as an original U. S. Senator from Maryland and helped frame the Bill of Rights (the first ten Amendments to the U. S. Constitution). In 1792 when a law was passed prohibiting individuals from serving in two legislative bodies at the same time, Carroll resigned his position in the U. S. Senate in order to remain in the State Senate. Nine years later, in 1801, he retired completely from all public office.

Although he spent the last three decades of his life away from elective public life, he remained active in general public service to his community and nation. His last official act of that community service was the laying of the cornerstone of the Baltimore and Ohio railroad on July 4th, 1828. At that ceremony, he was the lone survivor of the



A SILK RIBBON COMMEMORATING
THE LAYING OF THE CORNERSTONE
OF THE BALTIMORE-OHIO
RAILROAD

fifty-six signers; his other two remaining compatriots – John Adams and Thomas Jefferson – had both died on July 4th, two years earlier.

Although Carroll owned slaves, following the Revolution he became convinced of the inconsistency of slavery within a free nation and therefore became a member of a society that worked to end slavery, declaring, “Why keep alive the question of slavery? It is admitted by all to be a great evil.”

Carroll’s Christian faith was apparent throughout his life. (One such original handwritten letter boldly expressing his faith is displayed on the next page, along with its transcription.) In fact, so committed was Carroll to Christianity that he built and personally funded a Christian house of worship.

Carroll’s contributions to America were both immediate and far-reaching. In addition to his political, military, and business leadership, he also helped open the way for greater religious freedom in general and Catholic freedom in particular. (While Carroll was the sole Catholic signer of the Declaration, eleven years later, two Catholics – following the pathway he had helped blaze – signed the Constitution: Daniel Carroll and Thomas Fitzsimmons.) Charles Carroll’s influence on America was so great that not only is he one of the handful of Americans who has been honored at the U. S. Capitol with a statue but his portrait is also featured there (it is very rare to be accorded both honors). Carroll’s legacy to America is rich and profound.



PORTRAIT OF AN ELDERLY CHARLES CARROLL
THAT HANGS IN THE US CAPITOL



STATUE OF CHARLES CARROLL
AT THE US CAPITOL

Doughoragen 27 Sept 1825

Dear Sir

I received this day yr. [your] letter of the 24th instant, affectionate & replete with just & pious sentiments. On the 20th of this month I entered into my eighty-ninth year: this in any country would be deemed a long life, yet as you observe if it had not been directed to the only end, for which man was created, it is a near nothing an empty phantom, an indivisible point compared with eternity.

Too much of my time & attention have been misapplied on matters to which an impartial Judge, penetrating the secrets of hearts, before whom I shall soon appear, will ascribe merit deserving recompense. On the mercy of my redeemer I rely for salvation and on his merits; not on the works I have done in obedience to his precepts, for even these, I fear, a fallacy a mixture will render unavailing, and cause to be rejected. Mrs. Harper and the rest of my family present their respects to you. I remain with sincere regard and wishes equally sincere for your health and happiness here & hereafter.

Dear Sir
yet most hum. Servt.
Ch. Carroll of Carrollton

TRANSCRIPTION OF LETTER:

Doughoragen 27th Sept. 1825

Dear Sir

I received this day yr. [your] letter of the 24th instant, affectionate & replete with just & pious sentiments. On the 20th of this month I entered into my eighty-ninth year: this in any country would be deemed a long life, yet as you observe if it had not been directed to the only end, for which man was created, it is a near nothing an empty phantom, an indivisible point compared with eternity.

Too much of my time & attention have been misapplied on matters to which an impartial Judge, penetrating the secrets of hearts, before whom I shall soon appear, will ascribe merit deserving recompense. On the mercy of my redeemer I rely for salvation and on his merits; not on the works I have done in obedience to his precepts, for even these, I fear, a fallacy a mixture will render unavailing, and cause to be rejected. Mrs. Harper and the rest of my family present their respects to you. I remain with sincere regard and wishes equally sincere for your health and happiness here & hereafter.

Dear Sir

Yr. [your] most hum. Servt. [Servant]

Ch. Carroll of Carrollton

THE LIFE OF
CHARLES CARROLL
OF CARROLLTON

1737–1832

WITH HIS CORRESPONDENCE AND
PUBLIC PAPERS

BY
KATE MASON ROWLAND
Author of "The Life of George Mason"

VOLUME I.

"He had talents and acquirements which enabled him effectually to help the cause he espoused. His knowledge was various, and his eloquence was of a high order. It was like his character, mild and pleasing: like his deportment, correct and faultless. His taste was peculiarly chaste, for he was a scholar of extraordinary accomplishments, and few, if any, of the speakers in the New World came nearer the model of the more refined oratory practiced in the parent state."—LORD BROUGHAM

G. P. PUTNAM'S SONS
NEW YORK & LONDON
The Knickerbocker Press
1898

Introduction and Preface

INTRODUCTION.

IN 1825 the "Life of Richard Henry Lee" was dedicated by its author, Richard Henry Lee of Leesburg, Virginia, to "Thomas Jefferson, John Adams, and Charles Carroll, the Surviving Signers of the Declaration of Independence." The Virginian and the son of Massachusetts have long been known to the world through voluminous volumes, containing all that they wrote, and portraying all that they achieved on the stage of American history. But it has not been so with the Marylander. The biography of Charles Carroll of Carrollton, the last of the Signers, has never been fully written. And it is believed that the publication of his letters and papers, with a detailed account of his public services, will be acceptable to all historical students, and will enhance and substantiate the already high reputation of this pure and noble-minded statesman, the peer in character and intellect of any of the great Revolutionary leaders.

Charles Carroll's life may be roughly divided into three periods: thirty years, more than half of them spent abroad, in preparation for the patriotic duties which awaited him; thirty years in the service of

Introduction and Preface

his State and country; thirty years in scholarly retirement, where, as a close and interested observer of public events, he remained in touch with the outside world even to the last months almost of an unusually long earthly career.

For the first period here enumerated, the chief interest of this biography will centre in the correspondence between Charles Carroll of Carrollton and his father, of which there remain letters dating from 1753 to 1764 inclusive. The second period will include the Revolution and the stirring years in Maryland preceding it, when, in 1773, Charles Carroll first became known as a patriot, through the famous "Letters of the First Citizen." His mission to Canada, his course in the Continental Congress, where he signed the Declaration of Independence, his service in the Revolutionary councils of Maryland, and finally in the United States Senate and in the Senate of his native State, make up a brilliant and important parliamentary record ending only with the defeat of the Federalists and the election of Jefferson in 1801. The closing period of thirty years presents to us the philosopher, looking out from his retreat at the busy scenes in which he had borne so conspicuous a part, and at the first a pessimist, as was natural with a leader of the party out of power, but afterwards more hopeful of his country's future, and always solicitous for the public good. Finally, as his eminent contemporaries drop down, one by one, at his side, he is left to receive, concentrated upon his venerated person, the respectful affection and esteem he had hitherto shared with others. And men felt

Introduction and Preface

that in awarding to Carroll that tribute which was his by virtue of his position as the last of the band of 1776 who had signed the Charter of Independence, they bestowed it felicitously, where singular piety and private virtue added lustre to talents and civic integrity.

In 1895, when Charles Carroll had been in his grave sixty-three years, his name and fame had become so enwoven with Maryland history and tradition as to make his story appear, in his own State, a fitting theme for the drama. He was impersonated at this time, on the Baltimore stage, as the youthful hero of a play, with its due commingling of love, patriotism, and adventure. The venerable sage, whom the great-grandfathers of eighty to-day recollect as they saw him in their boyhood, was to be associated in the imaginations of the youth of this generation with those early years when, fresh from the old world splendors of Paris and London, Carroll came back to his provincial home across the sea to find the whole land tingling and throbbing with the first ardent pulsations of the approaching Revolution. It is fitting, perhaps, that almost simultaneously with this romantic and dramatic presentation of Charles Carroll of Carrollton, history's soberer muse should render him the tribute his merits demand, correcting tradition and shunning fable, and, wherever it is possible, letting his own pen guide her record.

Introduction and Preface

PREFACE.

While it is believed that the biography of Charles Carroll of Carrollton will meet a public want, it should be here stated that these volumes have been prepared at the request of a member of the Carroll family who defrays the whole cost of their publication. The descendants of Charles Carroll who have given the author the use of their family papers, as indicated in the footnotes to this work, are the Hon. John Lee Carroll of "Doughoregan Manor," Maryland, the Rev. Thomas Sim Lee of Washington, D.C., and Mrs. William C. Pennington of Baltimore. From the late Dr. Charles Carroll Lee of New York a letter of his ancestor was procured. And assistance in compiling the Genealogical Notes has been afforded by Genl. Charles Firzhugh of Pittsburg, Pennsylvania, a descendant of the Carrolls of Duddington. A list is given below of the autograph collectors and others who have courteously responded to the request of copies of their Carroll letters, though some of those sent were not deemed of sufficient historical importance to be included in the biography:

The late Dr. John S.H. Fogg of Boston; Dr.

Introduction and Preface

Thomas Addis Emmet, D. McN. Stauffer, William Bailey Faxon, and Hiram Hitchcock of New York; Charles Roberts, Simon Gratz, Stan. V. Henkels, and Charles P. Keith of Philadelphia; Worthington C. Ford, from the collection of the late Gordon L. Ford, Brooklyn, N. Y.; Nathaniel Paine, Worcester, Mass.; Frank D. Andrews, Vineland, N. J.; Charles J. Hoadly, LL.D. Hartford, Conn. ;Robert J. Hubbard, Cazenovia, N. Y.; Arba Borden, Dorchester, Mass.; Howard K. Sanderson, Lynn, Mass. ;John M. Hale, Philipsburg, Penn.; Peter Van Schaack, Chicago, Ill.; Miss M.A. Cohen, Baltimore, Md., from the collection of the late Dr. Joshua I. Cohen.

Valuable letters were obtained from the Archives of the State of Maryland, in custody of the Maryland Historical Society, and from the manuscript collections owned by the Society, every facility for making copies being given the author. She met with similar consideration from the Johns Hopkins University, where there are some quite important Carroll papers among the Scharf MSS. there. Copies of Carroll letters were also kindly given the author by Mr. Martin I.J. Griffin of Philadelphia, editor of "American Catholic Historical Researches"; by the Oneida Historical Society, Utica, N. Y., through its Corresponding Secretary, Genl. Charles W. Darling; by the New York State Library, Albany, through George R. Howell, Archivist; and by the Wisconsin Historical Society, Madison, through its Secretary, Reuben G. Thwaites. From the Pennsylvania Historical Society, the Harvard College

Introduction and Preface

Library, and the Department of State, permission was obtained to have the valuable Carroll letters in these repositories copied.

The author takes pleasure in expressing her thanks for very great assistance in her researches in Annapolis, to Mr. George H. Sharer of the Land Office. She acknowledges her obligations also to the Librarians of the State Library at Annapolis, the Historical Library, Baltimore, and the Congressional Library, Washington; and for services of various kinds she is indebted to Dr. Edmund J. Lee of Philadelphia; to Mr. William C. Pennington, Mr. Henry Thompson, Mr. John C. Carpenter, Dr. Christopher Johnson, and Mrs. Fielder C. Slingluff of Baltimore; Snowden Hill, Esq., of Upper Marlboro, Md.; the Rev. J.H. Richards, S.J., President of Georgetown College, Georgetown, D.C.; and Mr. George G. Eaton, Mrs. Vernon Dorsey, and the late Dr. Joseph M. Toner of Washington, D.C.

It is greatly to be regretted that the collection of Charles Carroll's correspondence, and other papers, in possession of Miss Virginia Scott McTavish of Rome, Italy, have not been accessible to the present writer. It is believed, however, that copies of the more important letters were made by Mr. Pennington and the Rev. Mr. Lee, and are therefore included in these volumes.

In classifying the autographs of the Signers of the Declaration of Independence, Charles Carroll of Carrollton's is placed among those most readily obtained. He must have written thousands of letters in the course of his long life. Dozens of them have

Introduction and Preface

passed through the hands of autograph dealers within recent years. At "Doughoregan Manor" there are over a hundred letters of Charles Carroll to his son, from which selections have been made for this biography. And in the McTavish Collection there are many of Charles Carroll's youthful letters, written to his father. Mr. John C. Carpenter had the McTavish papers in his hands in 1874, while writing his Carroll articles for Appleton's journal, and made selections from them. They contain, it is understood, some important correspondence relating to French-Canadian affairs, in connection with the mission to Canada in 1776. The commercial value of Charles Carroll's letters may be indicated by the sums the Carroll letters in the Leffingwell Collection brought, at the auction sale of the latter in 1891. Nine letters, quarto size, of from one to three pages in length, almost all having good portraits attached to them, brought only sums ranging from \$2.25 to \$9. A letter of one page folio, however, dated 1777, sold for \$22. Mr. Walter R. Benjamin of New York, the autograph dealer, it may be added, asked \$10 and \$15 apiece for some Carroll letters he had for sale, several years ago.

It should be explained in regard to the notes to the "Letters of the First Citizen," that those which designate the sources of the classical quotations are not Carroll's. Many of these Latin lines or phrases were so incorrectly printed in the old newspapers from which these essays are taken, as to be scarcely intelligible. And they were traced to the originals for the present writer by a gentleman familiar with

Introduction and Preface

classical literature, who has thus rendered a needed service to Charles Carroll's reputation for elegant scholarship, by enabling the copyist to reproduce his quotations in the form he must have penned them himself.

The Canada Journal of Charles Carroll, given in the Appendix, is republished from the Maryland Historical Society's "Centennial Memorial." The original manuscript, which is in possession of the Society, and was first published by them in 1845, was given to them in 1844 by Mrs. Emily Caton McTavish, she having received it from her grandfather, Charles Carroll of Carrollton, in 1823.

It will be of interest to genealogists to know that an investigation of the line of Anthony Carroll of Lisheenboy (see Chart) is now being conducted in Ireland, which it is believed will establish the parentage of James Carroll of Anne Arundel County, whose will is given in these volumes.

BALTIMORE, *November 24, 1897.*

LIFE AND CORRESPONDENCE OF
CHARLES CARROLL
OF CARROLLTON

CHAPTER I.

ANCESTRY AND EARLY YEARS.

1688–1758.

THE Carrolls of Carrollton and Doughoregan Manor, Maryland, trace their descent to the old Irish princely family of the Carrolls of Ely O'Carroll, Kings County, Ireland.¹ Fiam or Florence, King of Ely, who died in 1205, was the ancestor in the fourteenth degree of Charles Carroll, Attorney-General of Maryland in 1688, the first of his line in the province. But at the time of the American Revolution, there were two other Carroll families prominent in the social and political life of Maryland; the family of Dr. Charles Carroll of Annapolis, who was descended from an older branch of the Ely O'Carrolls, and the family of Archbishop Car-

¹ *Journal of Royal Hist. And Arch. Association of Ireland*, vol. vi., 4th series.

roll and his brother, whose paternal pedigree has not been traced beyond their grandfather. There was still a fourth Carroll family in Maryland, which had been conspicuous earlier, in the person of James Carroll, a relative of Dr. Charles Carroll and the Attorney-General. From one of James Carroll's brothers, it seems probable, the Carrolls of Somerset County descended, a grandson of a James Carroll of Somerset becoming Governor of Maryland in 1830.

With the long and honorable Celtic pedigree of his paternal ancestry, Charles Carroll of Carrollton, the subject of this memoir, united in his lineage several strains of English blood of more than ordinary antiquity and prominence, through the families of the Hattons, Lowes, and Sewalls; of the Darnalls of Hertfordshire, England, and of "Portland Manor" and the "Woodyard," Maryland, and the Brookes of Whitechurch, Hants, England, and of "De la Brooke" and "Brookfield," Maryland. Charles Carroll's ancestress, Jane Lowe, Mrs. Henry Sewall, marrying secondly, Charles, third Lord Baltimore, connected him also with the family of the Proprietary.

Charles Carroll, the grandfather of Charles Carroll of Carrollton, came over to Maryland, October 1st 1688. He was at this time twenty-eight, having been born in 1660. He had been educated at the University of Douai in France, and had been a student of law at the Inner Temple, London, in 1685. His descendants have preserved two papers showing his connection with this latter institution. The first

is a copy of his admission, written in Latin, and is dated May 7th, 1685:

Interius Templum, Carolus Carroll secundus Filius Danielis Carroll de Ahagurton in Reg Comitatu in Regno hiberniae Gen generaliter Admissus est is Societat istius, etc.

The other manuscript is the letter “To Mr. Minors, Chief Butler of the honble. Society of the Inner Temple, London,” dated May 6th, giving him notice that “Charles Carroll, Gent.,” was to be admitted by him “into Comons.”¹

After leaving the Temple young Carroll went into the service of William Herbert, Lord Powis, one of the ministers of James II., as his clerk, or secretary, and a little later he determined on his plan of emigration. Charles Carroll of Carrollton is reported to have given the following traditional account of the motives inducing his ancestor to leave England:

“Remarking to his lordship [Lord Powis] one day, that he was happy to find that public affairs and his majesty’s service were proceeding so prosperously, the secretary received for answer, ‘You are quite in the wrong, affairs are going on very badly; the king is very ill-advised.’ After pausing a few minutes, his lordship thus addressed Mr. Carroll; ‘Young man I have a regard for you, and would be glad to do you a service, take my advice; great changes are at hand, go out to Maryland, I will speak to Lord Baltimore in your favor.’ He

¹ Family papers, Rev. Thomas Sim Lee.

did so, obtained some government situation, with considerable grants of land, and left his family among the largest proprietors in the Union.”¹

But all was not smooth sailing at first. Hardly had Charles Carroll arrived in Maryland, when there took place in the province following in the wake of the English change of dynasty, what is known in Maryland annals as “the Protestant Revolution.” The proprietary government of Lord Baltimore was overthrown in November, 1688, and in 1692 the Crown assumed the government, making Maryland a royal colony, which it remained until 1715. However, Lord Baltimore was secured in the possession of his private rights, his ownership of the soil and the vacant lands, the quit-rents, port dues, and one half of the tobacco duties. But it was not without a struggle and bitter protests, that the friends of the Lord Proprietor saw the functions of the government taken from him. Charles Carroll had come over with the commission of Attorney-General in his pocket, and his appointment had been confirmed to him by the Council, October 13th, 1688.² He stoutly resisted the subversion of Lord Baltimore’s government, and wrote to him indignantly in September, 1689, of the “strange rebellion your ungrateful people of this your Lordship’s Province have involved themselves in.” We find him in 1691-92 a prisoner “for high misdemeanours.”³ Sir Lionel Copley, the Royal

¹ “Biographical Sketch of Rt. Rev. John Carroll,” by John Carroll Brent, p. 16.

² Maryland Archives, vol. viii., p. 47.

³ *Ibid.*, pp. 124, 246.

Governor, committed him into custody for “several reflecting speeches and discourses against the Government.”¹ In April, 1693, Mr. Carroll wrote to Governor Copley saying he had been a fortnight in the sheriff’s custody, and asking for “bayle.” He had been accused of “ridiculing the Government,” and saying, “he valued not Bonds for that for a small matter he could procure a *Noliprosequi* out of England, and that for a bottle of Cyder or some such inconsiderable value he would clear Mr. Batson, his fellow Bondsman,” etc.² Dimly through the Council proceedings, one discerns the highspirited and irate young Attorney-General, resenting the injuries sustained by his patron and friend, and suffering the political persecution inflicted by the successful party.

Cecelius Calvert, a convert from the Anglican to the Roman Catholic Church, second Lord Baltimore and first Proprietary of Maryland, of which province he was the overlord for forty-three years, was never in the colony. His brother had been sent over by him as Governor. And Charles, third Lord Baltimore, was the one who was deprived of his political administration. But he had still much power and patronage left. Charles Carroll received from him the appointment of Judge, and Register of the Land Office, an important and lucrative position. He succeeded Col. Henry Darnall who died in June, 1711, and whose daughter he had married. Charles Carroll rapidly acquired lands in the province, nam-

¹ *Ibid.*, p. 495.

² *Ibid.*, p. 508.

ing several of these tracts after places which had belonged to his family in Ireland. "Carroll's Forest," consisting of five hundred acres, in what is now Prince George's County, was surveyed for him, May 3d, 1689; "Elyo Carroll," one thousand acres in Baltimore County was surveyed in January, 1695, and soon after "Litterlouna," in the same county, a place of four hundred acres. The original name in Ireland was Litreach-Luna. "New Year's Gift" was surveyed for him January 10th, 1700, a plantation of thirteen hundred acres, "at a place called Elk Ridge." In 1701 and 1702, he obtained other tracts of land of nine hundred and sixty-nine, and one thousand acres in Baltimore County, and in 1707 he added to his possessions "Clynmalyra," an estate of five thousand acres, and the princely domain of "Doughoregon" consisting of ten thousand acres.¹ He owned also at this time "Enfield Chase" in Prince George's County, and later many other tracts of land in various parts of Maryland, amounting in all to about sixty thousand acres.²

Evidently Charles Carroll was personally a favorite of Lord Baltimore, who must have found his social qualities such as would make him a desirable neighbor, for in one of his letters he writes that Mr. Carroll is to have so many acres assigned him "as near as possible to one of the Proprietor's Manors, for the benefit of his society."

¹ The parchment deeds of "Doughoregan" and other tracts of land are framed and preserved at the Manor.

² Rent Rolls of Anne Arundel, Baltimore, and Prince George's Counties. Calvert Papers, Md. Hist. Society. Land Office Deed Books, Annapolis.

A small brick house and two lots of ground in the “Port of Annapolis” were granted Charles Carroll by the Proprietary, October 10th, 1701, “for and in consideration of the good and acceptable services to us done by the said Charles, and the better to enable him to continue in the performance of the like good services for the future to us and our heirs,” etc. This apparent graciousness and generosity, however, meant only a clear title, for Charles Carroll had to buy the house and lots from the widow of the late owner. He petitioned Lord Baltimore for permission to make the purchase, and then paid him a quit-rent of two pounds yearly.¹ We find Charles Carroll making a visit to England in 1702,² but do not know how long he remained abroad. In Lord Baltimore’s instructions, “to be observed and pursued by Charles Carroll, my Agent and Receiver-General in Maryland” dated September 12th, 1712, Carroll is charged to pay in tobacco yearly various persons for their services, and “To yourself, 12000 [pounds] of tobacco for your advice and trouble about my law concerns,” adds the Lord Proprietary. In this paper he says: “I do hereby confirm a grant passed by Col. Henry Darnall, to yourself, of two hundred acres of land near the city of St. Mary’s,” which place, until 1694, was the capitol of the province.³

Lord Baltimore also empowered Charles Carroll to appoint surveyors, and displace incapable ones, making him temporarily his Surveyor-General. Charles

¹ Calvert papers, MS.; Maryland Historical Society.

² Council Journal, October 12, 1702.

³ Land Office, Deed Books; Boyle’s “Marylanders,” p. 79.

Carroll of Carrollton, in a letter giving an account of his ancestry written in 1830, says of his grandfather:

“A Roman Catholic by religion, he resolved upon withdrawing from the oppressions of that period by emigrating to this country. He selected Maryland chiefly because toleration was by Royal Charter extended to it, and afterwards confirmed by Provincial Statute. Upon leaving the mother country, he changed (with a felicity of thought almost prophetic) the motto of his family arms [*“In Fide et in Bello fortes”*] to *‘Ubi cum Libertate,’* in allusion to the cause which induced him to leave the shores of his native land. The Revolution of 1688 in England was succeeded by a revolution in Maryland, and my Grandfather was destined to experience even in the asylum he had selected, the evils of that religious persecution from which he had so recently fled. As a Catholic, he was deprived of office. In course of time, harmony was restored in Maryland, and Mr. Carroll was afterwards appointed by the 1st [2d] Lord Proprietor, (Charles, Lord Baltimore) his Agent, Receiver-General, Keeper of the Great Seal, and Register of the Land Office. He enjoyed these appointments until the year 1717, when the Government and Assembly passed Laws depriving the Roman Catholics of their remaining privileges.”¹

Charles Carroll’s commission, recorded July 11, 1716, included the post of Naval Officer.² He had the authority to appoint “naval officers and land surveyors in the province,” as his son writes in 1759, in a letter to Charles Carroll of Carrollton.

¹ MS: Letter, Addressed to Rev. Wm. B. Sprague, May 12, 1830.

² Deed Books, Land Office, Annapolis.

Charles Carroll was married after coming to Maryland, to Martha, daughter of Anthony Underwood, for whom a place called "Underwoods Choice" was surveyed, in St. Mary's County, in 1684. This lady died in October, 1690, and her only son, Anthony, died the day of his birth. The second marriage of Charles Carroll took place February 14th, 1693. His young bride Mary Darnall, who was probably not more than fifteen, was the daughter of Col. Henry Darnall of "Portland Manor," and his wife Elinor Hatton, widow of Maj. Thomas Brooke of "Brookfield." Ten children were born to Charles and Mary Carroll between the years 1695 and 1713. Of these, three sons and two daughters grew to manhood and womanhood. Henry Carroll, born January 26th, 1697, after being educated at St. Omer's, was sent to England to finish his legal studies, and was entered at Gray's Inn, September 16th, 1718.¹ He died at sea the 10th of April, 1719, on his way home to Maryland. Charles Carroll, born April 2d, 1702, the father of Charles Carroll of Carrollton, then became the heir, as the eldest son. Daniel Carroll, born October 30th, 1707, the youngest son of his parents, married Ann, daughter of Notley Rozier of "Notley Hall," Maryland, and became the progenitor of the Carrolls of "Duddington," Prince George's County. This estate is now within the precincts of Washington City, and the old mansion was torn down within recent years, to make way for modern improvements. Charles and Daniel Carroll, like their elder brother, were sent abroad for their edu-

¹ Foster's "List of Admissions to Gray's Inn."

cation, and a letter to them from their father, written in 1719, has been preserved, in which he tells them of Henry's death.

MARYLAND, July 7, 1719.

SONS CHARLES AND DANIEL:

I suppose you have before this time, had the afflicting news of your Brother's death within about six days sail of the Capes of Virginia as he was coming in; it was upon the 10th day of April last. I hope you both know your duty upon so lamentable an occasion. The most that you and I or any other of his relations and friends can do for him now is to pray for the repose of his soul, wherein I desire you will not be defficient, nor in minding the Sodality whereof he was a member, of what is usual to be done on such occasions....

I have desired Mr. Kennett to remit your Rector ten pounds to be by him employed after the best manner that such an occasion requires.

Pray give my kind respects to the Rector, and the rest of the good family there, and acquaint him that I continue to you and your brother your usual allowance, besides defraying any necessaries, or journeys, or otherwise, and the same shall be remitted him as your pensions are. I do design, provided I hear you do well, that you shall not be behindhand in my esteem, with your brother, and therefore desire you will vigorously prepare for the defence of your Universal Philosophy, if the Rector and your professor approves thereof, who shall be furnished with the necessary expence, but if they do not think that you can go through it with applause, it is better lett alone, for a dunce in a pulpit makes but a very awkward appearance....

I am afraid your brother's theses are miscarried, for those of his last defence are not come to my hands yet.

... Therefore desire you will take much the same steps your brother did, especially in your dedication to me, *mutatis mutandis* so that it appear not to be the same with the other.

Your mother designs, next spring, to go with your two sisters either to Graveling or Dunkirk; when she is there I doubt not but the good nature and affection she has for her children will induce her to see you and your brother. But I should think it more convenient and less fatiguing to her, that upon her giving you notice of her arrival and appointing you a time to meet her at Saint Omers you would do so, if it should not prove an interruption to your preparation for your defension, but I must leave that matter to her and you. She designs you shall come back with her for England, leaving your brother to finish his studies. I would have you stile yourself in your Theses, *Marylando-Hibernus*.

I have nothing more to say to you, save to recommend an exact discipline, both as to your eternal welfare, and virtuous demeanor in this life, and conclude

Your affectionate father,
CHARLES CARROLL.¹

Charles Carroll died the 20th of July, 1720.² He had been in England in 1715, at the time of the death of his patron and client, Lord Baltimore, and while in London acted as attorney for Lady Baltimore on her husband's demise.= When about to return to Europe in 1718, he made his will, which was

¹ Family papers, Rev. Thomas Sim Lee.

² Land Office, Chancery Suit, Darnall v. Carroll.

probated the 28th of July, 1720.¹ He appointed his three sons his executors, as Henry Carroll was then living, and the “overseers and trustees” of his will were “his loving brothers-in-law” Henry Darnall and Benjamin Hall, and his “kinsmen” James and Daniel Carroll. The death of the third Lord Baltimore in 1715 had been followed by the restoration of the Proprietary Government, in the person of Benedict Leonard Calvert, fourth Lord Baltimore, who had conformed to the Church of England. As Charles Carroll was a Roman Catholic, his fortunes had suffered some eclipse under the new order of things. Yet he was one of those of his religion who were exempted by name from the disqualifications imposed by the penal laws.² And that his power in the colony was not small at this time, is shown by the incident related of the Jacobite youths of Annapolis who, taking possession of an old cannon from the fort, fired a salute on the night of the Pretender’s birthday, June 10th, 1716. The governor arrested the daring offenders and put them in prison, but Charles Carroll finding that one of them was his nephew ordered and obtained his release.³

That religious differences and animosities embittered life somewhat in the Maryland Eden, is very apparent, however. Governor Sharpe in one of his letters to the Lord Baltimore of his day, has the following allusion to Charles Carroll’s death, and the state of feeling in the province between members of

¹ Register of Wills, Annapolis. Appendix C.

² Scharf’s “History of Maryland,” vol. ii., p. 128.

³ Brown’s “History of Maryland,” p. 208.

the Anglican Church and the Roman Catholics. He writes: "Sometime before your Lordship was pleased to appoint me your Lieutenant Governor, one Mr. Carroll, a Roman Catholic died here and left a considerable estate to his two sons, having appointed two of his relatives their guardians and executors of his last will and testament."¹ The letter goes on to say that both of these gentlemen were at that time of the religion of the testator, and how one of them later joined the Church of England, and was publicly denounced by the other. Retaliatory words followed, and the matter was taken up by the Assembly, to which the Churchman was a delegate, the Lower House "resolving that Papists were bad members of the community," etc. The principle of religious toleration had not been accepted then, in Europe or America. And it must be remembered, in extenuation of the bigotry of the English Church, and of the English people in general, at this time and for a long period after, that Spain and France were the relentless enemies of Great Britain, and members of the Roman Catholic Church in Maryland, as in the mother country, suffered from being identified with the religious faith of the foreign foe.

Besides his property in Anne Arundel, Baltimore, and Prince George's Counties, Charles Carroll had acquired lands in St. Mary's and Charles Counties, the manors of "St. Clements," "Bushford," "Westwood," etc.; land in Kent and Somerset Counties, and also in Westmoreland County, Virginia. He

¹ Archives of Maryland, "Correspondence of Governor Sharpe," vol. ii., p. 316. Ridgeley's "Annals of Annapolis," p. 95.

bought lots and houses in Annapolis, in 1713 and 1716 (on the Duke of Gloucester Street in 1713), and a plat, now lost, of part of the city of Annapolis, dated 1760, designated the “former dwelling-house” of the elder Carroll and the “former dwelling-house” of his son.¹

Charles Carroll, the second of his name and line in Maryland, usually designated Charles Carroll of Annapolis, remaining abroad after his father’s death, returned to Maryland in 1723-1724, at the age of twenty-one. His younger brother, Daniel, came home the following year.² In the absence of the brothers and during their minority, the estate had been managed entirely by their relative, Mr. James Carroll of Anne Arundel County. This gentleman, who was a man of prominence in the province, having been a deputy surveyor for Lord Baltimore and Keeper of the Rent Rolls, died apparently a bachelor, and making his will in 1728, named his nephew Anthony Carroll his heir. He left property in Annapolis to his “Cousin and Godson, Charles Carroll,” including the “piece or parcel of a lot of

¹ Land Office, Charles Carroll v. Thomas Rutland, 1760.

² There is a discrepancy in Charles Carroll’s statements as to the date of his return to Maryland. He writes in 1760 that he came back from school in 1720, but in a chancery suit, 1733, he speaks of his “return into this Province, which was in the year 1724” (C. Carroll and Daniel Carroll, heirs of Charles Carroll against John Parran and Mary Parran). However in the suit of Henry Darnall against Charles Carroll—Executor of Charles Carroll, deceased—1722-1731, Charles Carroll “makes answer at the court for April 1723.” In one of his letters he speaks of being prevented from going to the Temple by his father’s death. He had just finished his “philosophy,” when he was recalled to Maryland.

ground given me by him and his mother.” His “dwelling-place,” and other lands in Anne Arundel County, “Carrollsburgh,” etc., in Prince George’s County, lots in “Queen Ann’s Town,” etc., servants and slaves, and most of his personal estate, James Carroll left in trust to his godson, for George Thorold of Charles Co., but he revokes the trust in a codicil, some days later, “through apprehension of the said Charles’ death.”¹

James Carroll died at the house of his godson, Charles Carroll of Annapolis, the 13th of June, 1729, and his funeral took place on the 23d, when, says the Annapolis paper: “the Corps of Mr. James Carroll was interred at the Burial-Place of that Family, near this City, in a decent and handsome manner.”² The Carroll graveyard was three miles from Annapolis. In 1729 Charles and Daniel Carroll sold sixty acres of land, on the Patapsco River, at forty shillings an acre, to the trustees of the new town of Baltimore. This land is at that part of the city’s harbor now called the Basin.³

An old account book of Charles Carroll’s has been preserved, of which the earliest entries date back to 1721, while James Carroll was managing his godson’s property. The expenses of “Madam Mary Carroll” are set down, carefully enumerated. And we read of the price she paid for her “Leather Rimed Spectacles,” of the oil she bought to “clean the Chariot,” and of the “Kersey,” “gimp buttons,” and other articles designed for the wearing apparel of the old-

¹ Appendix C. ²

Maryland Gazette, June 17 and June 24, 1729.

³ Brown’s “History of Maryland,” p. 211.

time Maryland matron.¹ In the summer of 1730, Charles Carroll, with his brother Daniel, was interested, it appears, in what he calls the “Virginian Project,” Daniel Carroll making a trip to Virginia at this time on the business referred to. Eleanor Carroll, one of the two sisters, died in 1734, and an itemized account of the funeral expenses appears in the ledger. It included three dozen of men and women’s “shamoy gloves,” and three and a half dozen kid gloves, shamoy shoes for three ladies, four fans, four girdles and three buckles, two pairs of black knee breeches, two pieces of hatband crape, three pieces of white “ribband,” four gauze handkerchiefs, ten yards of “superfine black cloth,” and a hundred and eight yards of “finest crepe.” To treat the large company of mourners, there were provided one dozen bottles of white and two dozen bottles of red wine, two dozen nutmegs, with mace, cinnamon, and cloves in proportion. The coffin cost three pounds, and twelve shillings was the amount paid “to the person who carried the corpse in the chaise to the place of burial.”²

Daniel Carroll of Duddington died in this same year, 1734, when his son Charles was but five years old, and the child’s uncle was made the guardian of himself and his sisters. This estate of his deceased brother, Charles Carroll managed from 1734, until long after his nephew had attained his majority. And Charles Carroll wrote of himself in 1761, when a lawsuit was pending between uncle and nephew:

¹ Carroll Papers, Scharf Collection, John Hopkins University.

² *Ibid.*

“I have from the time I came from school, in the year 1720, [1723] to the year 1757, been a constant servant of my family. The whole weight of the management of my father’s estate and of my brother’s and sisters’ fortunes fell on my shoulders. I left my brother in Europe, my sisters were sent thither under their uncle Darnall’s care for education. When it was proper to bring them home I could not prudently trust them to strangers, I went for them and bore my own expence.”¹

In 1739, Charles Carroll became involved in a small difficulty with the Proprietary Government. Daniel Dulany, Lord Baltimore’s Attorney-General, accused him of refusing to pay quit-rent for the “Barrens,” (1000 acres) and “Carroll’s Delight” and “Carrollsbury,” two tracts of 5000 acres each in Prince George’s County, estates in which Charles, Daniel, and Mary Carroll had a joint interest. Charles Carroll wanted to appeal to his Majesty in Council, but his petition to this effect was refused. He was then arrested, “taken” by the sheriff of Anne Arundel County, at which indignity he was “greatly agrieved.” This is done, he says, “to his great vexation and unnecessary, expense,” before he can lay his case before his Majesty for his royal determination. He prays an appeal to the Court of Appeals, and is “set at liberty” by order of the Court. William Cumming, Charles Carroll’s counsel, refers to “instructions from the Crown,” quoted in the case as “not of that force they are Pretended to be of—the said Instructions being given when the Inhabitants of this Province had the Happiness to be under the immediate Gov-

¹ *Ibid.* Letter of Charles Carroll to Clement Hill.

ernment of the Crown.”¹ As the Lords Baltimore were now members of the Church of England, the “immediate Government of the Crown,” was to be preferred, apparently, to the Proprietary sway. Mary Carroll had transferred her right in “Carroll’s Delight” and “Carrollsbury” to her two brothers in 1734, and Daniel Carroll had by his will devised his share to his two daughters Mary and Eleanor Carroll.²

Mrs. Mary Carroll died in February, 1742. The glimpses caught of her through old letters and other documents, while residing at Annapolis through the twenty-two years of her widowhood, show that she enjoyed the esteem and confidence of her relatives and neighbors, was a good mother and grandmother, and a prudent manager of her plantations.

Charles Carroll of Carrollton was born at Annapolis, September 19th, 1737. His mother, Elizabeth Brooke, was the daughter of Clement Brooke and Jane Sewall, and was a near relative of her husband, being the daughter of Charles Carroll’s maternal uncle by the half blood. At ten years of age, young Charles the third was sent to school at the Jesuits College of Bohemia on Herman’s Manor in Maryland, where among his fellow students were his cousin John Carroll (related to him through the Darnalls), afterwards Archbishop of Baltimore, and Robert Brent of Virginia, who married a sister of John Carroll. From Bohemia the two Carrolls went together in 1748 to St. Omer’s, the famous Jesuit College at the town of the same name, in French Flanders.

¹ Calvert papers, MS., Maryland Historical Society.

² Chancery Suits, Land Office.

From this place where Charles Carroll of Carrollton remained six years, he went first to the College of French Jesuits at Rheims for a year, and then to the College of Louis le Grand at Paris. In 1753 Charles Carroll removed to Bourges, to study civil law, but at the expiration of a year he returned to Paris, where his father came over to visit him in 1757. He left Paris for London in this year, taking apartments at the Temple, and studying law there for three or four years; but "not with a professional view," as he says in one of his letters. In 1765, at the age of twenty-eight, he returned to America.

Maryland historians have designated three periods in the province, between 1715 and 1776, as times of special agitation and excitement in its annals; the first between 1722 and 1732, the second between 1754 and 1763, the epoch of the French war, and the third between 1770 and 1773. It was during the second of the two decades above named that Charles Carroll of Carrollton was completing his studies, in Paris and London, and forming himself for the career the future held out for him. And an interesting correspondence between the father and the son, covering most of these years, has been preserved, in which the details of Charles Carroll's life abroad, are put before us, and public events, both in Europe and America, are touched upon. The earliest letter of importance in this collection is as follows. It is written from Maryland by Charles Carroll the elder. It appears that the latter had been to London in 1751¹ and he probably went to see his son at this time.

¹ Land Office, Chancery Suit.

October 10th, 1753.

DEAR CHARLEY:

I received your several letters of August 30th, December 20th, 1752, and March 6th, 1753, which are all most welcome to me, and altho' a hurry of business prevents my often writing to you, you may be assured you are always in ray thoughts and that I most earnestly wish your happiness. As you have no such avocations I desire I may often hear from you. Since you have not a good dancing-master, you were in the right to discontinue learning, but when you can meet with a good one you must resume it, for nothing contributes more to give a gentleman a graceful and easy carriage. You may sometime hence meet with a good painter and then with your mother I shall be glad to have your picture in the compass of 15 inches by 12.

Your opinion of Europe and the people there will be much altered when you return to your native country. Fops are the object of contempt and ridicule everywhere, but it is from the fine gentleman you are to take example. Dear child, I long to see you, but I did not send you so far only to learn a little Greek and Latin. Where you are you can only lay a foundation for other studies which may hereafter be profitable to yourself and useful to your friends. When you have gone thro' them the rest of your life will be a continued scene of ease and satisfaction, if you keep invariably in the paths of truth and of virtue. The husbandman annually repeats the toil of dressing, plowing and sowing for his harvest. When you have completed higher studies your toil will be over, and your harvest will daily and always come in. I am very glad to see you are so sensible of the advantages of a virtuous education, and that you are resolved to make the best use of it. Mr. Wappeler informs me you are

third in your school, which gives me great pleasure, and as your judgment unfolds itself and ripens, I expect to hear of your still rising; *Aut Caesar aut Nullus*. The ambition to excel in virtue and learning is laudable.

We are still threatened by our Assembly, but I hope by the interposition of our friends in London, it will not be in their power to hurt us. A continual calm in life is no more to be expected than on the ocean.

Pray present my humble services to your Master, whose care of and kindness towards you deserve greater acknowledgments from me than I have in my power to repay. I am under the same obligations to Mr. Wappeler and Newton, which, pray let them know with my humble service and compliments to them. I desire also my compliments to Mr. Falkner, and am very glad to hear he is contented in his station. If you please he may be of service to you in arithmetic. Jacky I suppose is gone up the hill. Remember me to Watty, Mr. Warring and all the Marylandians. Your mama, grandmama, aunt Jenny and all your friends in general are well. I hope the books got safe to you, and that Cicero's life has in particular given you pleasure.

You entered into the 17th year of your age on the 19th of last month, being born the 8th of September, 1737, old stile. Your judgment therefore will enable you to enter into the reason of the rules and lessons you are learning. Children learn like parrots, memory and practice aid them chiefly, but men of sense do not content themselves with knowing a thing, but make themselves thoroughly acquainted with the reasons on which that knowledge is founded. I beg you will carefully observe this in your present and future studies. Memory may fail you, but when an impression is made by reason it will last as long as you retain your understanding.

I cannot wish to have a better account of you than what I have from Messrs. Carvall, Wappeler and Newton, and I doubt not you will daily merit it more and more. If you do it will afford me the greatest comfort and satisfaction and increase the love I have for you.

I am, dear Charley,
most affectionately your father

CHARLES CARROLL.

To Mr. CHARLES CARROLL
at Blandike.¹

The father wrote again to his son, September 30th, 1754:

“You say that you do not like Poetry nor succeed in it as well as in your other studies. This will find you at Rheims. You will there enter upon a new stage and enjoy a greater degree of Liberty than you have hitherto had. I trust that your conduct may be instructive and edifying to your schoolfellows.

It gives me great pleasure that you are so exceedingly fortunate as to have your cousin Anthony with you who can so much better serve you. Cherish and be thankful for the blessing, and to show that you are so, behave always with all possible respect towards him. Never be on the reserve with him, or backward in asking his advice in everything, though to you seemingly insignificant. Look always upon him as your Friend and not as your Tutor.”²

Anthony Carroll was a second cousin of Charles Carroll of Carrollton, being descended from his grandfather’s elder brother who had remained in

¹ Family papers, Mrs. William C. Pennington

² *Ibid.*, Rev. Thomas Sim Lee.

Ireland. A letter of the elder Charles Carroll is extant, written September 12th, 1755, introducing to some “reverend gentleman” whose name is not preserved, a survivor of the battle of Monongahela:

“The bearer, Mr. Hopkinson, is a young gentleman of this province, and went as a volunteer with General Braddock,—was in the unfortunate action at Monongaella [*sic*] where I am told he behaved well, and suffered much by the loss of his baggage, besides the expence he has been at in fitting himself out. Not discouraged by a loss which has much impaired his fortune, he is willing again to venture, and as it is fitting persons of such a disposition should be encouraged, I take the liberty to recommend him to you, having myself no interest, and if you will be pleased to recommend him to General Shirley, or any other person of interest, I doubt not he will behave in such a manner as to give you no reason to repent the favors you may show him.”¹

About this time, September 29th, 1755, Dr. Charles Carroll, father of Charles Carroll, barrister, died, at the age of sixty-four, having been forty years in the colony. He was associated with his relative Charles Carroll of Annapolis and Doughoregan Manor, in the Baltimore or Patapsco Iron Works Company, founded in 1731, in Baltimore, or Anne Arundel County. A letter from Dr. Carroll to Charles Carroll, Esq., written in 1748, and messages from one to the other in the correspondence of the two cousins through the years 1748 and 1749, with their relative, Richard Croxall, the manager of the works, attest the intimacy existing at this time between

¹ Pennsylvania Historical Society.

the two families.¹ Richard Croxall and his brother Charles are frequently mentioned in the Carroll letters. Their mother, Joanna Carroll was a sister of Mr. James Carroll. The exact relationship of James and Joanna Carroll to Dr. Carroll, and to the Carrolls of Carrollton, has not been determined. Charles Carroll left his affairs in charge of Richard Croxall, on his visit to Europe in 1757. He wrote to his son the following admirable letter, in 1756:

July 26th, 1756.

DEAR CHARLEY:

I have received the following letters from you Dec. 14th, 1755, one without a date, wrote as I suppose about the 10th of last January, and the last dated February 27th, 1756. You may be assured they were all very welcome to me and your mama. I suppose you may buy Locke and Newton in Paris, if not desire your cousin Anthony to write to Mr. Perkins to send them to you or any other books you may want. As war is declared I know not how you will get these books. The carriage through Holland will amount to more than the first cost. If they could be sent to Rouen they would by the Seine reach you at little expense.

Tho' we are threatened with the introduction of the English Penal Laws into this Province, they are not yet introduced. But last May a law passed here to double tax the lands of all Roman Catholics. I wrote you the 16th of last September and then inclosed one from your mama; as you do not acknowledge the receipt of that letter, I suppose your mama's letter miscarried with it.

I am glad to hear you enjoy your health at Paris. I

¹ Family papers, Mrs. William C. Pennington.

sent your letter to your cousin Walter Hoxton. There was no final decree against Dr. Carroll. He died before the cause was ripe for a trial, but I hope his son will be obliged in time to pay what his father justly owed. All your letters give reason to hope my scheme will succeed. I have wrote to cousin Anthony to whom I refer you on this head, as I refer him to you for what follows: You desire to know the origin of our American war, and the events that have happened in the course of it. I will endeavor to satisfy you in as clear and concise a manner as I can. If the priority of discovery was only to give a title to lands in America, the King of Spain would be entitled to all America; as neither France or England would agree to such a claim each of them must found their title to their several dominions here in possession. The uncontested possessions of the English seem to be from Kennebeki River southward to the river Savanna which is the northern boundary of our new colony of Georgia.

The possessions of the French before the Treaty of Utrecht were from the Kennebeki to the northward to include Acadie, Ile Royal, all Nova Scotia, New France or Canada, and Louisiana. The first settlements of both nations were upon the shores of the seas and rivers that wash their several territories. As their colonies increased the French extended their settlements to the eastward, the English theirs to the westward. The settlements under the different nations now approaching each other the question is how far the English shall extend theirs to the westward and the French theirs to the eastward.

The English in many or most of their grants extend the western bounds of their colonies to the South Sea but may be not with much justice or reason, for by this pretension they would not only swallow up all the French

settlements on the Mississippi, but New Mexico which the Spaniards will hardly consent to. Nature seems to have pointed out other boundaries to the two nations which perhaps in the next treaty of peace they may establish. The French as settled on St. Lawrence and the Mississippi, I suppose claim all the lands watered by the several rivers and streams falling into the said rivers. The English by a parity of reason may as justly claim the lands lying on the several rivers and streams emptying themselves into the Atlantic Ocean. This division of the waters is made by the Apalathean Mountains which take their rise in the point of Florida and extend thence to the northward, inclining more or less to the eastward, and this chain of mountains as I said before, may perhaps be hereafter agreed on as the common boundary between the contending powers.

The dispute about their possessions to the northward is of a more intricate nature. The French were certainly the first settlers not only of Canada but of Nova Scotia and Acadie which they contend to be two different provinces. The English on the contrary contend that Nova Scotia includes all Acadie. The priority of the French possession of the aforesaid countries I believe is undisputed, and tho' they were formerly disturbed in their possession of Nova Scotia, under which name I include Acadie, yet by treaties Nova Scotia was always restored to them, except by the Treaty of Utrecht. By the Treaty of Utrecht the French ceded all Nova Scotia to England. The dispute at present between the two nations is about the bounds of Nova Scotia, which the French pretend to establish in such a manner as to leave out a great part of that province to themselves under the names of Acadie and Gaspisie. As far as I have read, the English by the Treaty of Utrecht, seem to have a right to all Nova

Scotia and Acadie, but as provinces and states seldom think themselves bound by treaties which unsuccessful war, or a bad state of their affairs, forces them to enter into, I imagine that France, seeing the importance of Nova Scotia and Acadie, not only to their trade and navigation, but to their colony of Canada, are now endeavoring to avail themselves of a favorable time and occasion to recover by force Nova Scotia and Acadie, which only force and necessity wrested from them.

Accordingly ever since the Treaty of Aix-la-Chapelle, the French have been encroaching on the English in Nova Scotia. They made some settlements at St. John's River in the Bay of Fundy, or as the French call it Baye François; they erected forts on the peninsula between Bay Vert and Beaubasin. The English last summer took these places from the French by forces sent from New England, with little loss, and have removed all the French neutrals in Nova Scotia, some say to the number of 12 or 15000 souls, to their different colonies on the continent, where they have been treated with more or less humanity. It has been the misfortune of 900 and odd of these poor people to be sent to Maryland, where they have been entirely supported by private charity, and the little they can get by their labor, which for want of employment has been but a poor resource to them. Many of them would have met with very humane treatment from the Roman Catholics here, but a real or pretended jealousy inclined this government not to suffer them to live with Roman Catholics. I offered the government to take and support two families consisting of fourteen souls, but was not permitted to do it.

The case of these poor unhappy people is so hard that I wonder it has not been taken notice of by some of our political writers in England. They, since the Treaty of

Utrecht have been permitted to enjoy their property and possessions upon taking an oath of allegiance to the King of England. This oath they say they have never violated, the truth whereof seems to be confirmed by the capitulations of the forts of Beaubasin, by an article whereof the neutrals taken in these forts were pardoned as being forced by the French under the pain of military execution to take up arms. However their fidelity was suspected and they have been sacrificial to the security of our settlements in her part of the world. They have neither been treated as subjects or enemies; as subjects they were entitled to the benefit of our laws, and ought to have been tried and found guilty before they could be punished, and to punish them all, all ought to have been tried and convicted. If they are deemed enemies they ought to be treated as such and maintained as prisoners of war. But no care has been taken here in that respect.

These poor people for their numbers were perhaps the most happy of any on the globe. They manufactured all they wore, and their manufactures were good; they raised in great plenty the provisions they consumed; their habitations were warm and comfortable; they were all upon a level, being all husbandmen, and consequently as void of ambition as human nature can be. They appear to be very regular and religious, and that from principle and a perfect knowledge of their duty, which convinces me that they were blessed with excellent pastors. But alas, how is their case altered! They were at once stripped of everything but the clothes on their backs: many have died in consequence of their sufferings, and the survivors see no prospect before them but want and misery.

The first hostilities on the Ohio began in 1754. The Virginians attempted to build a fort there, which the

French prevented, and constructed one themselves called Fort DuQuesne. It was upon his march to this fort that General Braddock was defeated and killed. The victory was as complete as could be. We lost at least 800 in the field. The greatest part of our train and magazines fell into the enemies hands, the rest was destroyed to facilitate our retreat. What adds to our shame is that we suffered this disgrace from between three and five hundred Indians. This information I had from an officer of distinction who I believe knew what he said to be fact, and on whose honor and veracity I have reason to rely. I hope for the honor of the French nation, that Indians were only concerned in this action, for the wounded were all massacred, an inhumanity which I am confident French officers and soldiers would not be guilty of.

The next, action of consequence was between the troops under the command of the Generals Dieskau and Johnson near the Lake of the Sacrament. The loss of men on either side was very inconsiderable; I believe we lost most, about three hundred. We were prevented from attacking Fort St. Frederic, as were the French from destroying General Shirley's army at Oswego on Lake Ontario, by cutting off the communication between Albany and that place, In case Dieskau (who is still at New York and likely to live) had been victorious Shirley must have surrendered himself, his army and Oswego, probably without striking a stroke. Albany must also have surrendered, and New York perhaps might have been destroyed, which will give you a proper idea of the importance of the lucky stand made by General Johnson, whose service has been honorably and bountifully rewarded by his Majesty.

Since that action both nations seem to act on a defensive plan, except that the French by parties have now

and then surprised small convoys of prisoners &c., going to Oswego. Our naval force on Lake Ontario according to our Gazettes, consists of seven armed snows, brigs, sloop and schooners carrying 22 six pounders, 52 four pounders, and 80 swivels, and upwards of 230 whaleboats each carrying 16 men. I know not what vessels the French have there to oppose us. Their not attacking Oswego last winter seems to point out their weakness. This is all I know of the events of the war to the northward to this time, except several murders committed by their savages.

From New York southward, since Braddock's defeat, the French have only attacked us by their Indians, who have [committed] and still continue to commit, the most shocking barbarities on our back settlers in Pennsylvania, Maryland, and Virginia; but I find these our sufferings are vastly magnified in the English papers. I do not believe these provinces have lost at this time, killed and captivated, three hundred souls, 200 in Pennsylvania, about 25 in Maryland, the rest in Virginia. The remotest of my lands have not suffered, and I think myself and your mama to be in no more danger than you are at Paris, Maryland being in a great measure screened by the more advanced settlements of Pennsylvania and Virginia. The Indians act as wolves in small parties and by surprise, and it is no wonder that the British subjects entirely undisciplined, should hitherto have suffered, but daily precautions are taking for our security, by erecting lines of forts on all our frontier, which will not only protect us but intercept the savages on their retreat, which they constantly make as soon as they [paper torn]. My plantation where you lived has been greatly improved. But that and all my other possessions I am determined to quit, if I can meet with the success I expect from my

scheme. I shall remove from a settled and a well improved estate, and in the sale of which I expect to lose to the value of at least £10,000 sterling; but to procure ease to myself by flying from the pursuits of envy and malice, and to procure a good establishment for you, I am willing to undergo and struggle with all the difficulties and inconveniences attending on a new settlement in a new climate. There is but one man in the Province whose fortune equals mine. Judge from this of the love I bear you, but at the same time be persuaded that my affection is greatly increased by the most agreeable accounts I receive of your pious, prudent and regular behavior, of your sweet temper and disposition, of the proficiency and figure you make in your studies.¹

Mrs. Carroll writes to her son:

“Watty Hoxton came to see us about three weeks ago. He told me he would answer your letter by the first opportunity. I bid him inform you he was going to be married. He is to be shortly married to an agreeable young woman of a good fortune and a Roman Catholics. I wish him [paper torn] happy but I think him quite too young to marry. You are always at heart my dear Charley, and I have never tired asking your papa questions about you. I daily pray to God to grant you his grace above all things, and to take you under his protection.”²

Charles Carroll very naturally chafed under the disabilities suffered by the Roman Catholics in Maryland at this time, and he thought seriously of leaving the province altogether. At the head of other gentlemen of his faith, he proposed to obtain

¹ Family papers, Rev. Thos. Sim Lee.

² *Ibid.*, Mrs. William C. Pennington.

from the French court the grant of an immense tract of land on the Arkansas River in Louisiana. But objection was made to the extent of the territory asked for, and other obstacles intervening, the project was delayed, and as the unfriendly laws were relaxed, it was finally abandoned. To look after his "scheme" for moving to Louisiana, was one of the objects of Charles Carroll's visit to Europe the following year. He set sail early in June, 1757. In the correspondence of Governor Sharpe is the following reference to his movements, and an estimate of his character and standing, proving that he was looked upon as a leader in the community. It was not surprising that the Roman Catholics regarded Governor Sharpe as their "professed enemy," as he himself says, for he had just passed, against their urgent protest, the law for the double assessment of their lands. The letter is to the Governor's brother, William Sharpe, in London, and is dated July 6th, 1757. Governor Sharpe writes:

"One Mr. Carrol, who is at the head of that sect [the Roman Catholics,] and is possessed of a fortune of £30,000 or £40,000 sterling, among us, has taken a passage to England in a vessel that lately sailed hence, and will probably be in London before this can be delivered. What his views or intentions are in taking such a voyage at this time I know not. It has been said that he has thought of leaving Maryland and carrying his fortune to Europe. He has a son about twenty two years of age, now at Paris, and if he should determine to spend the remainder of his life in Europe it is not improbable that he will take up his residence in some

part of France, as he seems by sending his son to that kingdom while he was very young, and by supporting him there since he has finished his studies, to prefer that country. He is a sensible man, has read much and is well acquainted with the constitution and strength of these American colonies. If he is inclined to give the enemy any intelligence about our American affairs, none is more capable, but indeed I do not conceive he has any such intention. He was heretofore a bitter enemy to the Lord Proprietary, but having behaved with moderation since I came hither, we were on good terms until I incurred his displeasure by assenting to an act which I thought equitable and which you say appears to you in the same light. Since that time all correspondence between us has been broken off. I presume he will be much among the merchants while he stays in London, and in particular with his friend Mr. Philpot. Should he endeavour to do me any prejudice with my Lord [Baltimore] or any one else during his residence there, I hope you will be able to render his attempts abortive.”¹

On his way back to America, in the winter of 1757-1758, Charles Carroll wrote from London the following letter to the son with whom he had parted in Paris a few weeks previously. The upper part of the first page in the original is torn:

[LONDON, January, 1758.]

I wrote to you I think the 15th of December, the day after my arrival here, and January 1st, acknowledging the receipt of yours of December 19th, and this is an answer to yours of December 28th. In your last you

¹ “Correspondence of Governor Sharpe,” Archives of Maryland, vol. ii., p. 46.

say you wrote to me the 11th of December; if you did so the letter is not come to hand. I hope my letters to you have not miscarried, but that the first reached you in a few days after the date of your last. My dear child, I thank you for your good wishes, nothing can happen to me more agreeable than a completion of them. However, I beg you will be persuaded, that in every step of mine relating to you, your happiness only has been my aim. Make use of the advantages I give you; improve your time, and in a few years you will clearly see the advantages bestowed on you by a provident and tender father.

I am well pleased you consider how your money goes out; keeping regular accounts need not restrain you from things necessary and decent, it will rather enable you to procure them with the greater satisfaction, as by a review of your accounts you will see whether your money has been well or needlessly expended. As to things decent and necessary you must have them. I shall not begrudge my money if paid out in that way, and therefore you must draw on Mr. Perkins. [paper torn] should have money in his hands which I have hopes of. You did well to write to L' Isle Dieu. I have also wrote to him. Pray write to Mr. Crookshanks to get your Master an English and French Dictionary. Do not consult me on such trifles. Pray present my compliments to Messrs. Mat Fiteau and any others to whom you think yourself more particularly obliged. I have bought the translation of Pindar for Mr. Power which shall be sent by the first conveyance, and I desire you will present my sincerest service and compliments to him, wishing him many happy New Years.

I advise you not to make too general an acquaintance. A return of civilities is to be paid to all; an intimacy

is not to be contracted with any, until you are well acquainted with their characters and manners and until you are convinced they are in the esteem of good men. It is much easier to make acquaintance than to shake off acquaintance when made. Be nice in this point, and very circumspect in the choice of your friend, the number that will deserve that name I am certain will be but small. Be regular in the distribution of your time: relaxation is necessary, two afternoons in a week will not be too much. All beginnings are difficult. Your understanding will open in proportion to the progress you make in reading. By a compendium you may probably mean what I mean by a Common Place book which I mentioned and recommended in my last [paper torn] of last November. He says he saw your mother, that she was very well and in high spirits, having heard of my safe arrival. Capt. Carroll, Mr. Croxall and Daniel Carroll all desire their compliments and services to you.

General Mordaunt has been acquitted by the Court martial but with General Connaway and another has been disgraced by his Majesty, being struck off of the list of staff officers. We have taken 3 or 4 French frigates since my arrival here, and by the papers of yesterday a frigate of 36 guns overset in chacing and every soul perished. We have besides taken a great number of privateers and three transports, vessels with provisions, and 1800 soldiers bound to Louisburg, and we were in pursuit of three more. Our superiority at sea is so great and our attention to America so much in earnest, 2000 soldiers going thither immediately and 8000 to follow in six weeks, that we flatter ourselves we shall not only be able to keep down the marine of France and entirely destroy her trade, but that we shall be able next summer to distress her greatly in America,

while by supplies to the King of Prussia, we shall keep her fully employed on the continent.

I thank God I am very well. I daily pray to Him to keep you so. I wish you many, many happy New Years, and I am,

your most affectionate father

CHA: CARROLL.

P.S. Dear Charley, Another secret expedition is much talked of. I believe I shall not leave London before the first of March.¹

¹ Family papers, Mrs. William C. Pennington.

CHAPTER II.

STUDENT LIFE ABROAD.

1758–1764.

CHARLES CARROLL of Carrollton had now attained his majority, but was to remain abroad some years longer. His father still entertained thoughts of leaving Maryland. The condition of the Roman Catholics, in the province rounded as an asylum for those of this faith, was no better than in any other English colony. The discriminating test-oaths, enforced to protect the Hanoverian dynasty from the Jacobites, excluded Roman Catholics from the Assembly, prevented them from holding office, denied them the privilege of the suffrage. They were not allowed the public exercise of their religion. For this reason gentlemen of means had their private chapels, and Charles Carroll had one at his town house in Annapolis, as well as at "Doughoregan Manor." The mansion at the latter place had been completed, it is said, by the first Charles Carroll, about 1717, though it had been considerably altered and extended since. Returning from his visit to Paris, Charles Carroll

the elder arrived “at his seat in town,” Sunday evening, June 11th, 1758, making the voyage on the *Duke William*, Captain Bradford, after a stormy passage lasting over two months. The ship was one of a fleet of twenty under convoy of the man-of-war *Chesterfield*.¹ The father wrote to the son February 19th, 1759: “I observe the advance you have made in reading the civil law.” In April he tells him: “I shall write to Mr. Perkins as you desire, to take Chambers in the Temple on your arrival in London.” The son was established in the English metropolis, and engaged in his legal studies when his father wrote to him as follows:

October 6th, 1759.

...Altho’ I still think it will be for your interest and happiness to sell my estates in Maryland, yet I would not have you either decline or solicit an acquaintance with Lord Baltimore or his uncle Mr. Caecelius Calvert. If you should accidentally fall in their way you may when proper let them know that you are not unacquainted your grandfather came to this country after regular study of the law in the Temple, Attorney General; that he was honored with the posts of Agent, Receiver General, Judge in Land affairs, Naval Officer, and that he had the appointment of several naval officers and land surveyors in the Province; nor that after he had served three Lord Baltimores for many years with credit and reputation he was deprived by the late Lord of his posts to gratify a faction whose aim was to divest the family of the government. You may also let him know you are not ignorant of the laws made at that time and lately

¹ *Maryland Gazette*, 1758.

to deprive the Roman Catholics of their liberties, and to distress and vex them. That the memory of the favors conferred on your grandfather will always incline you to promote the interest of the Proprietary family where you can do it in honor and justice. But remember the ill treatment your grandfather met with after so long a series of services; remember the cruel usage of the Roman Catholics by the late and present Lord Baltimore, and let that so weigh with you as never to sacrifice your own or your country's interest to promote the interest or power of the Proprietary family. It is true they have it in their power to confer some places of profit and honor with acceptance, but as you cannot hold any of them as the laws stand, and supposing that impediment removed, as I would not wish you to hold any of them but upon honorable terms, I cannot think it will be worth your while to pay a court there, or show any other respect than such a one as is due to them as Lords of the country where your fortunes lie.¹

Charles Carroll wrote to his son January 19th, 1760: "You must stay at least four years in the Temple. You cannot acquire perfect knowledge of the law in less, if in so short a time, and that knowledge is essential to you, as I shall leave you to dispute many things which the present injustice of the times will not permit me in prudence to contest."² Governor Sharpe wrote from "Belair," Colonel Tasker's place where he was visiting, on the 8th of July, 1760, and thanked his brother William for his civilities to certain Maryland gentlemen then in London, of whom Charles Carroll of Carrollton was one.

¹ Family papers, Rev. Thomas Sim Lee.

² *Ibid.*

They had been asked to dine at William Sharpe's. The Governor says:

“Two of them, Mr. Key and Mr. Plater, were, before they went to England, members of the Lower House of Assembly, and as such opposed as far as in their power, those who endeavoured to render my administration uneasy. The first of them is at the Temple, where I believe he intends to reside three or four years. The other two gentlemen that dined with you were Roman Catholics. Mr. Carroll I never saw, he having been in France many years, and the other's errand home or in Europe was to carry his children to some college in Germany where he has a relation that is a Jesuit.”¹

Mrs. Elizabeth Brooke Carroll, the mother of Charles Carroll of Carrollton, died March 12th, 1761, after an illness of two years and eight months. It was at the time of the annoying lawsuit before referred to, between Mr. Carroll and his nephew. Clement Hill and Basil Waring, who were acting for the younger Carroll, professed to find Charles Carroll's accounts, as manager of the estate, at fault. The latter speaks feelingly of the action of these gentlemen, “when they knew his wife had long been and was dangerously ill of the sickness whereof she soon afterward died.” And “from his then distressed situation [he] could not possibly enter into a particular examination of such long accounts,” as they had sent him.

Very clever, and keenly sarcastic sometimes, are

¹ “Correspondence of Governor Sharpe,” vol. ii., p. 443, Archives of Maryland.

the letters of Charles Carroll to Messrs. Hill and Waring, and he apparently completely refutes the charges made against him, of having overcharged his nephew and nieces in managing their estates. He in turn accuses Hill of taking a bribe from Charles Carroll of Duddington, his employer, of a pipe of Madeira wine, to make the award against the elder Carroll. Writing to Clement Hill, he says: "Well you are to have a pipe of wine; some men perhaps would choose to drink water all their lives rather than accept a pipe of wine on such an occasion. Are they not fools? A Pipe of Wine is a Pipe of Wine, but honor is an empty-sounding thing like an empty Pipe."¹ An agreement had been made between Charles Carroll and his nephew, March 21, 1752, as to the division of the property in Baltimore County or Anne Arundel, inherited by them under the will of the Immigrant. Charles Carroll of Annapolis was to have the whole of "Doohoregan" (*sic*), 10,000 acres, and "Chance," 969 acres, and Charles Carroll, Junr. was to have "Clynmalyra," the "Vale of Jehosophat," "Ely O'Carroll" and "Litterlouna." Parts of two other tracts of land "both lately in Prince George's County, but now in Frederic," Charles Carroll of Annapolis agreed to convey to Charles Carroll, Jr., in order to give the latter "more than an equivalent for the exchange."²

The following correspondence passed between Charles Carroll and his son during the years 1760-1764. Charles Carroll, Sr., wrote:

¹ Carroll papers, Scharf Collection, Johns Hopkins University.

² Land Office, Deeds and Indentures.

July 14th, 1760.... My father directed I should go to the Temple, but he dying just as I had finished my Philosophy, my friends thought my presence necessary in Maryland, and that I might study the law here. I attempted it but to no purpose.

Maryland was granted to Caecilius, Lord Baltimore, a Roman Catholic. All persons believing in Jesus Christ were by the charter promised the enjoyment not only of religious but of civil liberty, and were entitled to all the benefits of lucrative places, &c. It was chiefly planted and peopled in the beginning by Roman Catholics; many of them were men of better families than their Proprietary; these privileges were confirmed by a fundamental and perpetual law past here, and all sects continued in a peaceful enjoyment of these privileges until the Revolution, when a mob encouraged by the example set them by England, rebelled against the Lord Baltimore, stript him of his government, and his officers of their places. Then the crown assumed the government, the Toleration Act as I may call it, was repealed, and several acts to hinder us from a free exercise of our religion past. Benedict, Lord Baltimore, upon conforming to the Established Church in the year 1714, was restored to his government, and died the same year. His son Charles, Lord Baltimore, the present Lord's father, succeeded, and the people here making a handle of the Rebellion of 1715, enacted laws enjoining all the oaths taken in England to be taken here, and disqualified any person from voting for members to represent them in our Assembly who would not take these oaths, and many other scandalous and oppressive laws.

To these the Proprietary was not only mean enough to assent, but he deprived several Roman Catholics employed in the management of his private patrimony and

revenue, of their places, and among the rest your grandfather who was his Agent and Receiver General, etc., and had held the former places under three Lord Baltimores; this no act compelled him to do, and he did it to cajole an insolent rabble who were again aiming to deprive him of the government. From that time to the year 1715 we were unmolested, but then the Penal Laws of England were attempted to be introduced here and several bills to this and the like purposes past by our Lower House but rejected by the Upper House. At last in 1756, an act was passed by all the branches of the legislature here to double tax us, and to this law the present Proprietor had the meanness to assent, tho' he knew us innocent of the calumnies raised against us.

From what I have said I leave you to judge whether Maryland be a tolerable residence for a Roman Catholic. Were I younger I would certainly quit it; at my age (as I wrote you) a change of climate would certainly shorten my days, but I embrace every opportunity of getting rid of my real property, that if you please you may the sooner and with more ease and less loss leave it. However, my most valuable lands and slaves shall be kept to the last that you may choose for yourself, and make yourself as happy as possible. It is my greatest study and concern to make you so.¹

August 4th, 1760.

DEAR CHARLIE:

I received yours of the 13th of last April by Capt. Kelty, the 30th of last month. It gives us great pleasure to hear from yourself that you was well, and much better than you had been for some time past. Rozer [Rozier] went from my house yesterday. His

¹ Family papers, Rev. Thomas Sim Lee.

stay was so short that I had not time to ask him half enough about you. He promises me a longer visit soon. By him I learn that Mr. Calvert accidentally invited you to dine with Mr. Sharpe. I hear you have seen Mr. Jenifer which must have given you great satisfaction. Pray present my humble and sincere service to him, and to Mr. Crookshanks whenever you write to him.

We are well and present our love and blessing to you.

I am, dear Charley,
Your most affectionate father
CHAS. CARROLL.¹

In a postscript to this letter the father quotes from some one of the Maryland kinsfolk, who had written home the following family gossip:

“My cousin Charles Carroll writes to me from London with all the indifference of a philosopher that he is very unconcerned about news; ‘Madievitias,’ says he ‘is not that best?’ What Mr. Carroll told you concerning the result of his voyage to Europe is conformable to what I understood from his son when I saw him last September, who told me his father had not succeeded at Paris. If it had been thought proper I should know the motive of his journey he would probably have taken the opportunity to tell me. But as he did not I suppose it would not be becoming in me to push my inquiries any further. I went from Liege to Ghent to meet my cousin Charley Carroll, on his way from Paris to London. Mr. Rozer will give you an account of the great improvement he has made in France and his elegant way of living in London.”

¹ Family papers, Mrs. William C. Pennington.

A portion of the letter of Charles Carroll is torn here, and then it continues:

In yours of the 10th of April you say you are not acquainted with Mr. Bladen, and that you do not wish to be acquainted with him as he is a ga[mbler?] and that that is not your only reason for declining his acquaintance. This is mysterious, what reason have you? He was civil to me when [paper torn]. I have been long acquainted with him, his and my father were neighbors and friends. I am intimate with Mr. Tasker who married his sister, therefore if he makes the first advances be polite and civil [torn].

October 13th, 1760.

In mine of the 15th past I acquainted you that I had sent you by Mr. Brown 2 doz. of Cain spirits, but as Capt. Henrick importuned me very much for some of my old Madeira wine and would not be refused, I have sent the Cain spirits by him with an equal quantity of Madeira wine which you will find to be very good.

Pray do me the favor to see the inclosed be safely conveyed and write to Mons. Poison acquainting him that you will take care of any letters of his to Mrs. Manjan. Send him your address and present my compliments to him and his lady. You remember old Mr. Tasker and his son the Colonel, a very worthy young gentleman. The son is dangerously ill and may not recover. In that case many applications will be made for the place he enjoys, viz. the Secretary's office. Among the rest, I suppose Mr. Henry Darnall, my first cousin by the whole blood, will not be so wanting to himself as not to lay in his claim, and, in my opinion ought to succeed, if merit [will give it to him,] his being related to my Lord Baltimore and consequently to Mr.

Caecilius Calvert, his being descended from one of the best families of the country, from a family which early settled in this province, has made a very considerable figure in it, has held the chief posts in it, has been very serviceable to it, has been remarkably serviceable to the Proprietary family, has suffered for it, and whose attachment to it has been faithful, and so constant that no one act of theirs can give the little notice that has been lately taken of him, I think it more than probable he will not succeed.

Though I am convinced it is Mr. Calvert's inclination to serve him, for as soon as he came into power, to the post of Attorney General which Mr. Darnall then held, he added that of Naval Officer of Patuxent, and ordered him to be made one of the Committee. This plainly showed Mr. Calvert thought him worthy of the highest offices here, and consequently made him enemies who despairing of preventing his rise, branded him with being Papist, popishly affected, disaffected to the government &c. &c., (for what will not malice, faction, ambition and envy prompt men to do) although he had long conformed to the Established Church and taken all the oaths. The Governor at the same time was influenced by these men, and I suppose represented Mr. Darnall to Mr. Calvert in such a light as to put a stop to his intentions to serve him, which with Mr. Calvert's fears of being himself accused of being popishly [paper torn]. Thus the family of the Proprietary have sacrificed us, abandoned their friends, courted their enemies by bestowing all favours on them; a policy as weak and foolish as it is scandalous and ungrateful.

By yours I see you have done some discourse with Mr. Calvert about the Roman Catholics. This I took notice

of before, and some passages in mine to you of April 16th, 1759, February 9th, 1759, October 6th, 1759, January 1st, 1760, May 1st, 1760, July 14th, 1760, will show you that no dependence is to be had on peace for us here, since in the last instance of the act double taxing us, my Lord thought proper to assent to it, though he knew us to be innocent, and the charges brought against us to be false and scandalous. I would never have you be ungrateful or act dishonorably by opposing the Proprietary family merely for opposition sake (should you resolve to settle in Maryland against my opinion), but at the same time I think you will act foolishly if from principle you espouse the interest of a family who have plainly showed that they have no principle at all, or at least that gratitude and justice and honor have no influence on their principles.

This accompanies Mr. Brown. My house has been his home, and he well deserves the little civilities I showed him. He cannot be reconciled to Maryland notwithstanding your mother's banter. He will present my service to Mr. Perkins and his uncle Jo:, and the gentlemen in the house. I hope you will do the same, and to all my other friends in Paris, London, &c. God bless and grant you health.

I am, dear Charley, your most affectionate father

CHA. CARROLL.¹

June 22nd, 1761.

DEAR CHARLEY:

You remember I got the Genealogy of our family translated from the Irish when I was at Paris. But I know not from which of the branches our family is descended, but I should think from the family of Daniel

¹ *Ibid.*

of Adamstown, but by the enclosed print you will see your grandfather stiles himself 2nd son of Daniel Carroll of Litterlouna. His elder brother was Antony, your cousin Antony's grandfather who I suppose was born about the year 1630 [1650?]. His son Michael was living a few years past and may be still living, and from him by the means of your cousin Antony, or from others you may trace our branch of the family back to 1500 or higher if you can, and in as distinct a manner as you can, and I desire you will do it.

I find by history as well as by the genealogy, that the country of Ely O'Carroll and Dirguill which comprehended most of the King's and Queen's counties, were the territories of the O'Carrolls and that they were princes thereof. You may as things are now circumstanced, and considering the low estate to which all the branches of our family are reduced by the struggles the ancient Irish maintained for the support of their religion, rights and properties, and which received their finishing stroke at the Revolution, think my inquiry an idle one, but I do not think so. If I am not right, the folly may be excused by its being a general one, and I hope for your own and my sake, you will gratify me in making as careful an inquiry as possible, and giving me what light you can on the subject. As soon as there is a peace, I will send you the Genealogy, in Irish and English, and I desire you will get our family in particular traced to its origin.

I am, my dear Charley, your most affectionate father

CH: CARROLL.

To CHARLES CARROLL, Esq: London.¹

[*July 1761.*] I again seriously recommend it to you to learn the art of bookkeeping; half an hour a day spent

¹ Family papers, Rev. Thomas Sim Lee.

with a master will be sufficient. Learn arithmetic also methodically; Surveying with a compass and chain will not take so much time as bookkeeping, and the knowledge of it and to cast up the contents of any survey is absolutely necessary to every landed gentleman here.¹

Charles Carroll of Carrollton wrote to his father as follows:

1762. No degree at law can be obtained without being called to the bar. The being entered of the Temple is a necessary, previous, and preparatory step to that ceremony, which, though a ceremony, is an opening to all preferments in the law; 'tis attended with no other advantages, but many and great inconveniences; the chiefest is the frequenting loose and dissolute companions. For this reason I have resolved not to enter myself of the Temple—to what purpose? Why should I expose myself to danger and be at needless though small expense without any view or hope of profit and advantage?

August, 6th, 1762.

DEAR PAPA:

I wrote to you the 4th of last month. In that letter I started some difficulties in your lawsuit with Clifton which as that letter may have miscarried, I shall here repeat... The 16th October, 1752 you obliged Clifton to execute a bond to Ignatius Digges...

You desired me in one of your letters to trace our branch of the family back to 1500 by means of Cousin Antony or some one else. He is the only one to whom I could apply for information, or any other lights on this

¹ *Ibid.*

subject. I wrote to him and have received his answer which for your satisfaction I shall transcribe verbatim:

“I shall do all in my power to procure the information both both and your father desire, tho’ it seems pretty certain I cannot do much considering how matters stand at this time. The last letter I had from Ireland gave an account of the death of Mr. Alexander Carroll, Caesar’s father, Mr. John Carroll the Colonel’s brother, and Uncle Michael. I scarce know anyone that I can expect intelligence from. When I was a boy we had Dr. Keaton’s Irish History in MS., in which I remember to have heard say that our genealogy was preserved, but that as well as other things disappeared before I left the kingdom. This I mention to let you see how hard it will be to get any satisfactory account of our extirpated family. It does not make to the present purpose, but it is proper to know that in Cambden’s account of the county of Galloway mention is made of the chief of our name, who was defeated, with some other leaders, at the battle of Knoc-tee, [Knocktua, 1504?] by Gerald, Earl of Kildare, anno 1516. The same author in his account of the county of Tipperary tells us ‘tis bounded on the north with the territory of the O’Carrolls, which I am confident is to this day called Carroll’s Isle, at least there is I know, a place so called in that part of the country.” So far the letter...

I am, dear papa, your most affectionate and dutiful son,

CH. CARROLL.¹

January 7th, 1763.

DEAR PAPA:

Accept of my sincere wishes for your health and happiness during the course of this New Year and many

¹ *Ibid.*

succeeding years. This I hope will be the last I shall pass in absence from you. Tho' I am impatient to return, I readily submit in obedience to your will to remain here this one year more, and my impatience shall not hinder my application to the law.

The preliminary articles have received the sanction of Parliament. Warm debates it was imagined would ensue; the expectations of the public have however been deceived. Both Houses voted an address of thanks to his Majesty for obtaining a safe, advantageous, and honorable peace. The House of Commons divided, but the division 'tis said, was only to show the opposition their weakness and unimportance. Mr. Pitt had prudently withdrawn before the division came on. His friends wish he had not appeared in the House that day, or at least had not spoke in it; his eloquence failed him, his mind partook of the infirmities of his body, the vehement, the impetuous Pitt was for once dull, tedious and insipid. He spoke as one cautious of offending, unwilling to approve, fearful of disapproving; the real sentiments of his mind seemed sacrificed to his interest, the dictates of his conscience or of his passion to his pension. Notwithstanding the great majority in favor of the present ministry and of their measures, there have been many and considerable resignations. The list may surprise you, particularly as several have resigned very lucrative employments. Would a concurrence with the leading party have procured a continuance of those employments in the former possessors the list of the suits would have been much shorter. The King of Prussia is endeavoring to force the Princes of the Empire to a neutrality. His forces have invaded and pillaged Franconia. Peace between that monarch and the Empress Queen seems still distant.

I shall now answer your letter of the 2nd of September, the last I have received. As I knew Captain Carroll had laid aside the thoughts of going to sea again, I gave myself no further concern about the mares. I intend bringing over a couple with me if they can be had at a reasonable rate. Would not a thorough-bred stallion be of greater advantage? I am creditably informed that there are people in Maryland and Virginia who make 200 or 300 pounds a year by their stallions. If this be true should mine arrive safe in the country he will amply repay me his purchase, passage, and other additional charges. I should be glad to know how much it would be proper to allow a groom for his taking care of the horses upon their passage, as also the wages of a gamekeeper, a footman's I suppose would nearly amount to the same. I don't imagine a good and trusty servant would transport himself to a foreign country for the same pay he would receive in his own. Mr. Dulany tells me that white servants seldom turn out well in Maryland, that they disagree with the negroes and will not eat with them. Would it be better for me to provide my servant or let him provide himself with clothes, and increase his wages proportionably? I should choose the first and allow a livery suit and frock yearly.

I shall take particular care to lay in a good stock of Bristol water for my voyage, to get bookcases, and whatever else you recommend to me to bring over, as genteel clothes, horse furniture &c. I thank you for the present of the pistols, and for reminding me of the necessaries of the voyage. It is a further proof of that affection you have always borne me and on which I set the greatest value. My picture shall be drawn according to directions and sent by the fleet. Mr. Kay [Key?] proposes to return home very soon. I shall send by him the magazines,

newspapers, and three French pamphlets relative to the French Jesuits, as likewise the tryal of the Roman Catholics in Ireland, lately published and which will please you much. The guns Mr. Perkins sent you were made by the person who on Garvey's death succeeded him in his business. My bookseller tells me there are three volumes of Cambell's *Vitruvius Britannica*; if so you want the 1st and 3rd volumes. He fears it will be impossible to procure the odd volumes without buying the whole work. I have began a Common-place book. But Bacon's new abridgment of the law comprised in four volumes folio which I have got is much better than any common place book I am able to make. The whole body of the law is there alphabetically digested under proper heads, with references to the year books, statutes and reports. The new edition of the statutes to which I have subscribed, will I hope, be finished before I leave England. Two or three volumes are already published.

If I had known how to procure a person to instruct me in the law, or where such a person was to be found, I should not have neglected doing it, but indeed such a one is not easily to be met with. The best way to become a good lawyer is to be under an attorney, not as his clerk, that would not be so proper for a gentleman, but to be in his office on the footing of a gentleman by allowing him a handsome gratification. I should then have known the practical part of the law, by which knowledge many difficulties would be removed which for want of it are now insurmountable. Most of our great lawyers have been brought up under attorney's. The great Lord Hardwicke is a recent instance of that method's being the best for forming a sound lawyer. Nothing can be more absurd than the usual manner of young gentlemen's studying the law. They come from the University, take chambers in

the Temple, read Coke Little: whom they cannot possibly understand, frequent the courts whose practice they are ignorant of; they are soon disgusted with the difficulties and dryness of the study, the law books are thrown aside, dissipation succeeds to study, immorality to virtue, one night plunges them in ruin, misery and disease.

I think I understand the theory of Italian bookkeeping and am able to follow that method if need be, in the transacting of my own business. I shall soon discharge my master. I have agreed with Mr. Cowley, professor of mathematics at Woolich [Woolwich] to teach me surveying. He is to have two guineas entrance money, a guinea per month, the month to consist of eight lessons. I begin the 18th instant. My accompitant master has brought me to raise a form of books, consisting of wastebook, journal and ledger, which I shall not fail to keep by me, as they will be of use hereafter. Mr. Crookshanks upon the dissolution was obliged to leave Paris. I have now no correspondent there. I remember Poison made some scruple about paying the postage of a letter from his relations, tho' he was only charged with the postage from England to France. His affection cannot be very great, or his necessities are very pressing. Mr. Kennedy returns soon to Paris. I shall write a line or two by him to Mr. Poison letting him know my address, and that I will forward his letters to Maryland.

I don't find any provision made or indemnification stipulated by the preliminaries for the poor neutrals. I am afraid they will be overlooked in the definitive treaty, and their redress sacrificed to more important interests. In looking over your list of English books I am surprised not to meet with Shakespeare's works. If I remember well you had them when I was in Maryland.

The negotiations are going on. There seems to be a

demurrer about the evacuation of Cleves and Guetores. The French want to give up those places to the Austrians, the English insist upon their being put into the hands of the King of Prussia. In my next I shall answer the letter in your own handwriting. I beg my compliments to cousin John Darnall and his sons, to Mr. Croxall and Harry Carroll, and to cousin Rachel Darnall.

I am, dear papa, your most dutiful and loving son

CH. CARROLL.

To CHARLES CARROLL, Esq.
of Annapolis, in Maryland.¹

The remaining letters were written by the elder Carroll.

April 28th, 1763.

DEAR CHARLEY:

The 10th instant I received yours of the last November. Before that I had a cover from you to a letter directed to James Maccollum without a date. Maccollum is in Philadelphia extremely poor. He mortgaged his land and ran away from this Province in debt. I do not take the young man to be Maccollum's son. I think he had no son. An orphan boy lived with him who as I apprehend run away from him and I suppose to be the same who gave you the trouble to forward the letter.

I find you know Mr. Dulany pretty well. Dulany before he left Maryland sued me for his part of the money I received of Wright and Frazier. The suit hangs as he filed no declaration. If on his return he does not drop the action, and he and my other partners do not pay me the damages I have suffered by Mercer's

¹ Pennsylvania Historical Society.

suit I shall prefer a bill in chancery against them. Since my partners do not advise me to it, I do not think it worth my while singly to appeal against the decree of Clifton and Mercer. I do not intend to abide by Clement Hill and Basil Waring's award in favor of my nephew. I have prepared a bill in chancery against them and my nephew which is under the consideration of council and will be filed by next September, and I am not in the least afraid of not succeeding to set aside the award.

If by cousin Antony and by such relations in Ireland you cannot trace our family as I formerly directed, I know not what other directions to give you. You see by the Coat-of-arms I sent you that your grandfather stiles himself the second son of Daniel Carroll Esq. of Litterlouna in the King's county. May not cousin Anthony's mother, sisters, or some of Michael Carroll's children, or some of their relations, trace up our branch [torn]. You may perhaps hereafter wish more earnestly than you do at present that this had been done. I shall be glad to see the Irish History when completed.

Do not refer me to the accounts I may receive from others of the proceedings against the Jesuits; such accounts if sent may not be communicated to me. You are on the spot and may procure and transmit as perfect information as anyone. I doubt not you received Mr. Kennedy kindly and showed him proper civilities. If he transmits to you the papers he promised, he will lay an additional obligation on me, and if you should write to him present my respects to him.

It pleases me much to hear you are not disheartened with the difficulties you meet with in the study of the law, but I think you have been unfortunate in not meeting with anyone to direct you in the most profitable

method of reading it and instructing you in your difficulties. If you could not by friendship I think you might by money have procured such a one.

I have made your compliments as desired. I saw Captain Carroll a few days past. Cousin Jo: Darnall is now with me—they, Rachel Darnall and Mr. Croxall desire to be kindly remembered by you. My last to you bore date December 24th, 1762, in which I acknowledged the receipt of yours of August 6th, 1762. You see I keep my resolution of not writing oftener to you than you write to me. On the 13th instant my niece Eleanor Carroll the wife of Daniel Carroll died. I sincerely regret the loss of her, for she was in every respect a very worthy and valuable woman. My nephew who is not capable of doing a wise thing, has lately done the foolishhest thing he ever did, for he has taken to himself a wife, the daughter of Mr. Henry Hill.

The 22nd instant I put in your horse *Nimble* for the four year old purse. I shall give you the event in the words of our Gazette: “Mr. Carroll’s horse *Nimble* won the two first heats, but in running the third to save his distance only, the foolish rider endeavoured to get before and ran within one of the poles.” *Nimble* will, I think, make a fine horse. He is allowed by all to have a very good bottom.

In February you will prepare for your voyage, and I shall expect you sometime in the May following. Do not come in a ship with fellows or servants, and it will be agreeable to you not to be crowded with cabin passengers; two or three you will find to be company enough. Try to get a neat Captain and one who loves to live well. Be very inquisitive as to the age of the ship, and whether she be sound and strong, and well found. About this time twelvemonth, I shall be as impatient as you have

been for a long time past. I shall then long to see you, for I am, my dear Charley,
Your most affectionate father

CHARLES CARROLL.

P.S. I have been offered 100 pounds for *Nimble* and have refused it.

To CHARLES CARROLL, Esq., London.¹

July 20th, 1763.

DEAR CHARLEY:... AS to Mr. Whitten's letter about our genealogy, your grandfather's name was Charles, your great-grandfather's name you see by your arms was Daniel, my father's oldest brother's name was Antony, his eldest son's name Daniel who was your cousin Antony's father. I know nothing of my grandfather's or Uncle Antony's wives, or into what families they married. As to any expence do not begrudge what you think proper. Your grandfather left Europe and arrived in Maryland, October 1st, 1688, with the commission of Attorney General. He on the 19th of February, 1693 married Mary Darnall, the daughter of Col. Henry Darnall. I know not how my father came to style himself of Ahagurton and afterwards of Litterlouna. I was born April 2nd, 1702. Your mother was the daughter of Clement Brooke Esq: of Prince George's County; you was born September 8th, 1737. This is as much as can furnish towards our pedigree, with the translation I obtained in Paris and which I will send you by the first safe hand.

Dear Charley, your most affectionate father

CHA: CARROLL.

¹ Family papers, Mrs. William C. Pennington.

September 20th, 1763.

DEAR CHARLEY:... It is very probable my grandfather Daniel Carroll was living in 1688; it is certain my uncle Antony was, and consequently Kean Carroll mentioned in Mr. Whitten's letter to Mr. Kennedy could not be an ancestor of ours in a direct line. You may get a fresh plate of our arms, styling yourself the only son of Charles Carroll Esq. of the city of Annapolis in the Province of Maryland, and greatgrandson of Daniel Carroll of Litterlouna Esq., in the King's County in the Kingdom of Ireland; and get at least 1000 stamps from the plate to be pasted in all the books. I shall send you by Kelty or Hanson the genealogy of our family as copied from the Irish original, and translated at Paris into English This may be copied and sent to Mr. Whirten. Those acquainted with heraldry may trace the several branches by this and make out the genealogies. If this cannot be done while you are in London, you may possibly get someone who can be trusted to see it done, but do not part with the book.¹

January 9th 1764.

DEAR CHARLEY:

I yesterday evening received yours of the 11th of October past.... I hope Miss Baker may be endowed with all the good sense and good nature you say she has. Giving this for granted you have my full consent to pay your addresses to her.... I hereby again bind myself to comply with what I promised in the letter relating to the settlement to be made on your wife. And that Mr. Baker may be convinced I am capable of securing whatever fortune he may think proper to give

¹ Family papers, Rev. Thomas Sim Lee.

his daughter, I hereby give you a short abstract of the value of my estate:

| | |
|--|----------------|
| Forty thousand acres of land, two seats alone containing each upwards of twelve thousand acres would now sell at 20s ster. per acre | £40,000,0-0. |
| One fifth of an Iron Work consisting of the most convenient furnace in America, with two forges built, a third erecting, with all convenient buildings; 150 slaves, young and old, teams, carts &c., and thirty thousand acres of land belonging to the works, a very growing estate which produces to my fifth annually at least 400 pounds ster. at twenty-five years purchase | £10,000,0-0. |
| Twenty lots in Annapolis with the houses thereon, | £4,000,0-0. |
| Two hundred and eighty-five slaves on my different plantations at £30 ster., cash each, on an average, | £8,550,0-0. |
| Cattle, horses, stock of all sorts on my plantations, with working tools, &c. | £1000,0,0. |
| Silver household plate | £600,0,0. |
| Debts outstanding at interest in 1762 when I balanced my books | £24,230. 9s 7d |
| | 88380. 9s 7d |

You must not suppose my annual income to equal the interest of the value of my estate. Many of my lands are unimproved, but I compute I have a clear revenue of at least £800 per annum and the value of my estate is annually increasing by the increase of the value of my lands.

Your most affectionate father,

CHA. CARROLL.¹

¹ *Ibid.*

February 27th, 1764. I have yours of the 12th of November which I was in hopes before I opened it would have informed me whether you had Mr. Baker's consent to pay your addresses to his daughter.¹

February 28th, 1764. This is only to inform you [I have] this day received yours of the 8th of December. If you like the lady I hope her merit may in a great measure make up for what her fortune may fall short of your expectations.... Could you not learn what Mr. Baker is supposed to be worth, where his estate lays, of what it consists, what sum you suppose he may or may not be able to give his daughter?

April 10th, 1764.... Mr. Baker's letter to you speaks him to be a man of sense and honor.... He promises at his death to make his daughter share equal his estate with his sons. I proposed upon your coming into Maryland to convey to you my Manor of Carrollton, 10000 acres, and the addition thereto called Addition to Carrollton 2700 acres, now producing annually £250 sterling and greatly improving as not nigh half of the 12700 acres is let, and what is let, is let to tenants at will, and my share of the Iron Works producing at least annually £400 ster. If this should be deemed insufficient settlement and gift to you, and security for the lady's jointure, I am willing to add on my death my Manor of Doohoregan, 10000 acres and 1425 acres called Chance adjacent thereto on which the bulk of my negroes are settled.... As you are my only child you will of course have all the residue of my estate on my death.... Your return to me I hope may be in the next fall.²

¹ *Ibid.*

² *Ibid.*

The following attractive description of the youthful Charles Carroll of Carrollton, written by one of his tutors, was carefully preserved by his father, endorsed by him as here given:

“A character of my son: By Mr. Jenison his Master.”

“Tho’ I am not in a disposition of writing letters, having lost this morning the finest young man, in every respect, that ever enter’d the House, you will perhaps, afterwards, have the pleasure of assuring yourself by experience that I have not exaggerated Charles Carroll’s character in the foregoing lines. The Captain will be able to give you, I hope, a satisfactory account of him. ‘Tis very natural I should regret the loss of one who during the whole time he was under my care, never deserved, on any account, a single harsh word, and whose sweet temper rendered him equally agreeable both to equals and superiors, without ever making him degenerate into the mean character of a favorite which he always justly despised. His application to his Book and Devotions was constant and unchangeable, nor could we perceive the least difference in his conduct even after having read the news of his destination, which, you know, is very usual with young people here. This short character I owe to his deserts;—prejudice I am convinced, has no share in it, as I find the public voice confirms my sentiments. Both inclination and justice prompt me to say more, yet I rather choose to leave the rest to Captain Carroll, to inform you of by word of mouth.

Underneath Charles Carroll wrote when he was looking over his father’s papers, after his death: “I fear this letter was dictated by Mr. Jenison’s partial-

ity to me. I never found till this day (27th June, 1782) that he ever wrote to my Father about me.”¹ In his old age Charles Carroll of Carrollton was often heard to speak

“in strains of the highest eulogy, and with sentiments of the most devoted attachment, and expressions of the noblest gratitude, of his ancient preceptors. To them he attributed all that he knew, to their solicitude he referred all that he valued in his acquirements; and particularly that deep and hallowed conviction of religious truth, which was the ornament of his youth, and the solace of his old age. When anyone uttered a sentiment of astonishment how in his advanced years, he could rise so early and kneel so long—‘these good practices,’ he would answer with his high tone of cheerfulness, ‘I learned under the Jesuits at the College of St. Omers.’”²

Of his indebtedness to the instruction at the College of Louis le Grand he gave testimony, recorded by the same authority. Here he

“grounded himself in the critical knowledge of the ancient languages; became master of all the intricacies and beauties of style, as well in his own tongue, as in the learned languages; stored his mind with the poets and historians, with the orators and philosophers of Greece and Rome, and acquired that general information, that universal knowledge which shed a charm around his conversation, and gave increased interest to the natural fascination of his manner.”³

¹ Maryland Historical Society’s “Centennial Memorial,” p. 108.

² Oration of Rev. Constantine C. Pise, 1832.

³ *Ibid.*

The years in Paris and in London, from twenty-one to twenty-eight, were passed as we have seen, his studies occupying him, but not to the exclusion of society. He had not neglected the accomplishments befitting the gentleman of fashion, learning to dance, to give him, as his father said, a “graceful and easy carriage.” His portrait was to have been painted in Paris, “fifteen inches by twelve,” when he was a boy of sixteen, and again in London ten years later, when Sir Joshua Reynolds is the artist. His schoolmates “Jacky,” probably John Carroll, who was but two years his senior, and “Watty,” Walter Hoxton, both of them his cousins, were Charles Carroll’s friends and companions in the earlier years. There were always some “Marylandians” abroad among his associates. In London, dining with him at William Sharpe’s, were George Plater afterwards prominent in the Revolution, Edmund Key who had Chambers at the Temple, 1759-1763, and was later Attorney-General of Maryland and member of the Assembly, dying in his early, brilliant manhood, and Henry Rozier, a half-brother of Mrs. Daniel Carroll of Duddington.

Other Maryland gentlemen whom Charles Carroll mentions in his letters are Lloyd Dulany who was at the Middle Temple, Edmund Jennings, son of the Attorney-General of Maryland, and one of the Jenifer family. But he doubtless met all the prominent men among his fellow colonists, whose business or pleasure brought them to London in these years; merchants and lawyers, most of them, John Hammond and Philip Lee, John Brice, Jr., and the Hon.

Daniel Dulany being among them. The latter gentleman, Charles Carroll of Carrollton's future antagonist in the polemical arena, with his eldest son, and his nephew, young Benjamin Ogle, sailed for London in the summer of 1761. Capt. Henry Carroll of *The Two Sisters*, who was possibly a relative of Charles Carroll of Annapolis, was going back and forth between London and Maryland in these years. His ship was owned by William Perkins, a London merchant, of whom mention is made in this correspondence. Captain Carroll's eldest son, Henry James Carroll, was living in 1767. Among the Americans studying at the Temple were the Marylanders Alexander Lawson and William Paca, the latter to become one of Charles Carroll's associates in the Revolution.

The letters of Charles Carroll, Sr., impressed upon his son the duty of remembering the wrongs suffered by those of his religion, in Maryland, and the injuries received by his family through the ingratitude and selfishness of the Proprietary. But if he meets Lord Baltimore or Mr. Cecelius Calvert, he is to show them a proper respect, while not leaving them in doubt as to his sentiments. The opportunity came for an interview with Cecelius Calvert, which young Carroll improved by talking with him on the subject of the Roman Catholics, though he does not record the conversation.

Henry Rozier and others who visited Charles Carroll in 1760, wrote home reports of "his elegant way of living," and of the philosophical indifference to current events which he affected.

With his father the “affectation” was put aside, and he appears wholly alert and practical; interested in public affairs and attending the sessions of Parliament, of which body at least two of his friends or acquaintances were to become members later: William Graves, a master in chancery, and Daines Barrington. The Mr. “Hussey” mentioned in a letter written in 1768, was probably the gentleman who was in Parliament at that time. Charles Carroll heard the great Mr. Pitt in 1763 and gives a graphic account of his impressions on seeing, him, lamenting the deterioration which his genius had suffered since he drew a pension from the government. He made the acquaintance of Edmund Burke, the friend of America, and dined with him *en famille*.¹ He was busy, at his father’s request, corresponding with Irish cousins, about the genealogy of the family; and he was buying books for the home library, which was evidently of respectable magnitude as he orders a thousand impressions of his father’s armorial book-plate, to put in these volumes. But while reading Locke and Cicero, and keeping a “compendium,” or common-place book, studying law, philosophy, and accounts, softer thoughts intrude upon his studies, and he falls in love. Then at one time he takes a trip to Margate, and later to Tunbridge Wells with Mr. Jennings, whom he describes as a “sensible, sober, discreet, well-behaved young man.”² While at Ryegate, which he also visits, he is evidently, as we learn from subsequent reminiscences, under the

¹ Oration of Rev. Constantine C. Pise, 1832.

² *Appleton’s Journal*, September 12, 1874.

spell of Miss Baker, the fair "Louisa" of whom we hear in the letters he writes on his return home.

He moved in a circle of friends of not a little consequence and fashion, some of whom he was wont to meet at the "Crown and Anchor," the famous Tavern on Arundel Street, and he does not forget them when he is back in Maryland, as his correspondence testifies. Dr. Johnson and Boswell were frequently to be seen in the Coffee Room of the "Crown and Anchor," and many other celebrities resorted there. It was burned down in 1854 but subsequently rebuilt and is now the Temple Club. But the time approached for Charles Carroll's long residence abroad to close.¹ He was to bring over thoroughbred horses, and a gamekeeper, and doubtless the newest London fashions in dress and equipage. That he had hoped to bring home an English bride to his Maryland manor, is evident. But for some reason his suit failed, and the romance came to an untimely end. The estate of "Carrollton" in Frederick County was to be settled upon him on his re-

¹ Charles Carroll of Carrollton brought home with him a valuable testimonial of his remarkable proficiency in his collegiate course, which is now to be seen framed and hanging on the wall of the library at "Doughoregan Manor." It is a list, in Latin, of the theses delivered by him at the close of his studies in Paris, and is ornamented by the Carroll crest, and what appears to be an allegorical group at the head of the engraving. The Rev. F. H. Richards, President of Georgetown College writes that these essays represented "a public defence covering the whole of philosophy, both mental and physical. This no doubt was a great honor, as he would not have been allowed to make a public defence had he not been thoroughly conversant with the subjects of his theses. I presume that he received a degree upon that occasion."

turn home, and he was to be known henceforward as Charles Carroll of Carrollton.

The name "Carrollton" was first given to a tract of land surveyed, February 10th, 1702, for James Carroll. It was part of a grant of 3500 acres in Spesutie Hundred, Baltimore County.¹ "Carrollton," in Frederick County, was patented by Charles, Daniel, Mary, and Eleanor Carroll, being the half of 20,000 acres granted them, April 19th, 1723. It had come to them from their father, and was then in Prince George's County.² Philemon Lloyd wrote, July 28th, 1722: "Mr. Charles Carroll purchased from the Indians a Lycence to take up his Tract of land in the ffork of Patowmeek and Monockkessy."³ In the will of Daniel Carroll of Duddington, drawn up in 1734, after the death of Eleanor Carroll, he says: "And whereas a patent has passed to me and my brother and sisters for 10,000 acres of land at the mouth of Monnokasi, I hereby devise, release and confirm unto my sister Mary all my right, etc., to the tract according to the intention of my father's will."⁴ Referring to the will of Charles Carroll the Immigrant, it will be seen that the manor is there referred to as "my tract of Land of twenty thousand acres intended to be laid out for me on Potomack," of which five thousand acres each were devised to his daughters.⁵ The Hon. Charles Browning, nephew of Frederick, sixth and last Lord Baltimore, writing in 1821, gives the fol-

¹ Calvert Rent Rolls, Maryland Historical Society.

² Deed Books, Land Office, Annapolis.

³ Calvert Papers, vol. ii., p. 39.

⁴ Register of Wills Office, Annapolis.

⁵ Appendix C.

lowing account of the parenting of “Carrollton Manor,” as received at that time from the lips of Charles Carroll of Carrollton. Writing of Cecelius, Lord Baltimore, Mr. Browning says:

“It was also his Lordship’s desire that his agents should purchase the native’s interest in any lands, rather than take from them by force what they considered their right, and it appears the same conduct was strictly adhered to by their Lordships as they became proprietors in succession. A case of this nature occurred a very few years prior to the Revolution, and which was related to me by Charles Carroll of Carrollton Esq., whose ancestors having obtained from Charles, Lord Baltimore (father of the Hon. Mrs. Browning), a grant of 10,000 acres of land in Frederick County, with liberty to select the best land they could find; they first fixed on a spot beyond Frederick town but finding the land better on this side of Frederick, changed to the spot which the present Mr. Carroll now possesses on Monocacy River who went there and entered into a treaty with the Indians, and purchased their pretended right for £200, and for which he paid them in different merchandize such as suited them. The grant of this land first appears to have been made on the 10th of April, 1723, to the Carroll family, some of whom dying, there were different assignments from time to time, up to 1734; but I understand the land was not taken up till just before the Revolution, by the present Charles Carroll of Carrollton Esq., for his father; and the only money that appears to have been given for this land was a rent of £20 per annum, which the present Mr. Carroll got rid of by the act for the abolition of quitrents, 1780.”¹

¹ Scharf’s “History of Maryland,” vol. ii., p. 137. “A Brief Explanation, etc.,” Charles Browning, p. 88, Baltimore, 1821.

CHAPTER III.

POLITICS AND MATRIMONY.

1765–1772.

THERE appeared the following notice of the arrival of Charles Carroll of Carrollton in America, in the Annapolis paper of Thursday, February 14th, 1765:

“Tuesday last arrived at his Father’s House in Town, Charles Carroll Jun’r, Esq. (lately from London by way of Virginia) after about sixteen years absence from his Native Country at his Studies and on his Travels.”¹

He came home, at twenty-seven, an amiable, upright, accomplished young man, with the polish of European society, and the solid acquirements of studious culture. Debarred by his religion from the attainment of political honors, he anticipated only, in the present, the sweets of social life, among friends and kindred, in the affluent ease of his class, the slave-holding and manorial aristocracy of colonial Maryland. Charles Carroll had evidently not thought that it was to his interest and happiness to sell his

¹ *Maryland Gazette*, 1765.

estates in the Province and expatriate himself, as his father would have persuaded him, a few years before. As yet he had had, personally, no experience of the “injustice of the times,” and with youthful optimism he no doubt looked forward to a better era, without forecasting the wider liberties, civil and religious, that he would take a part in establishing. And a little later he wrote to his friend, Mr. Graves, who, it seems, was contemplating a visit to the colonies:

“As to travelers in America, besides that there is little worth a traveler’s notice, there is the disadvantage attending a long journey—one’s affairs will suffer greatly in his absence.

Our estates differ much from yours, the income is never certain. It depends upon the casual rise or fall in the price of tobacco. Notwithstanding these disadvantages, and some others more personal and applicable to myself, my views reach not beyond the narrow limits of this province;—so little is my ambition, and my bent to retirement so strong, that I am determined, leaving all ambitious pursuits, to confine myself to the improvement you recommend of my paternal acres. May I not enjoy as much happiness in this humble as in a more exalted station? Who is so happy as an independent man? and who is more independent than a private gentleman possessed of a clear estate, and moderate in his desires?”¹

But already America had entered into the penumbra of the political eclipse from which the colonies were to emerge as sovereign states in 1776. The Stamp Act was the supreme question of the hour, and Charles Carroll in his retirement could not escape

¹ Family papers: *Appleton’s Journal*, Sept. 19, 1874, p. 353.

the influence of the agitation and ferment surrounding him. He caught the contagion of patriotic enthusiasm, responding warmly to the appeals of the local leaders. In the summer of 1765: Zachariah Hood, a merchant of Annapolis, was given the appointment of stamp distributor in Maryland. But on his arrival he was not permitted to land his vessel, and had to effect his purpose later, unseen by the angry crowd which had opposed him. He was hung in effigy at Annapolis, Baltimore, Frederick, and Elk Ridge. The latter place was near Doughoregan Manor. The prominent men of Annapolis, with all others in the neighborhood in sympathy with them, met together on the 27th of August, and calling themselves "Assertors of British American privileges," stirred up resistance to the execution of the obnoxious law. In all probability, Charles Carroll of Carrollton was one of those who were present.

The Maryland Assembly met, in September, and appointed delegates to the "Stamp Act Congress," as it has been called, which met in October. Col. George Mercer of Virginia, then living in London, brought over some of the stamps for Maryland, with those for Virginia, in November, but he found the sentiment against admitting them too strong to be withstood, and prudently forebore to carry out his agreement. The "Sons of Liberty," an association which had sprung up in various parts of the country, had its representatives in Maryland, and those of that province met in Baltimore, February, 1766, and signified their determination to put an end to the stagnation of business which had

ensued from the fears of the crown officers to act without stamped paper. A full meeting later of all the members from the counties accomplished that object. It was resolved also to wear homespun, and to inaugurate a non-importation policy.

In all these measures, it is evident, Charles Carroll of Carrollton was in concert with Samuel Chase, William Paca, and the other Maryland patriots. Chase and Paca were of the Anne Arundel Committee of the "Sons of Liberty." Charles Carroll's correspondence at this time, with his friends in London, depicts vividly the condition of affairs. To one of them, probably Edmund Jennings, he wrote, September 5th, 1765, and subsequently, as follows:

"Things are in pretty much the same situation as when you left us. The Stamp Act continues to make as much noise as ever. The spirit of discontent in the people rather continues to increase than diminish.

The stamp-master of Boston has been obliged to resign his office; the house building here for the reception of the stamps has been leveled to the ground. Our stamp-master, Zachariah Hood, is hated and despised by everyone; he has been whipped, pilloried and hanged in effigy, in this place [Annapolis], Baltimore town, and at the landing [Elk Ridge]; the people seem determined not to buy his goods. His last dying speech has its humor: it contains, as most dying speeches, an account of his birth, parentage, and education."

"*September 28, 1765*: Should the Stamp Act be enforced by tyrannical soldiery, our property, our liberty, our very existence, is at an end. And you may be per-

suaded that nothing but an armed force can execute the worst of laws. Thus you see how necessary it is, at this critical juncture, to have cool, dispassionate, condescending men at the helm. It is sometimes with governments as with private men; they obstinately persevere from resentment and passion in measures which unbiased reason would condemn.”

“*September 30, 1675*: Nothing can overcome the aversion of the people to the Stamp Act, and [overcome] their love of liberty, but an armed force; and that, too, not a contemptible one. To judge from the number of the colonists, and the spirit they have already shown, and which I hope to God will not fail them on the day of trial, twenty thousand men would find it difficult to enforce the law; or more properly speaking to ram it down our throats. Can England, surrounded with powerful enemies, distracted with intestine factions, encumbered, and almost staggering under the immense load of debt—little short of one hundred and fifty million pounds—send out such a powerful army to deprive a free people, their fellow-subjects of their rights and liberties? If ministerial influence and parliamentary corruption should not blush at such a detestable scheme; if Parliament, blind to their own interest, and forgetting that they are the guardians of sacred liberty, and of our happy constitution, should have the impudence to avow this open infraction of both, will England, her commerce annihilated by the oppression of America, be able to maintain those troops?

The absurdities of such an attempt are so glaring, the evil consequences so obvious, that unless a general frenzy has seized the whole English nation, I cannot suppose that a measure will be adopted which will inevitably end in the ruin of the English Empire. At a moderate com-

putation, the inhabitants of these continental colonies amount to two million, five hundred thousand; and in twenty years time as propagation increases in proportion to the means of an easy subsistence, the number will be doubled. Reflect on the immense ocean that divides this fruitful country from the island whose power, as its territory is circumscribed, has already arrived at its zenith, while the power of this continent is growing daily, and in time will be as unbounded as our dominions are extensive. The rapid increase of manufactures surpasses the expectations of the most sanguine American. Even the arts and sciences commence to flourish, and in these, as in arms, the day, I hope, will come when America will be superior to all the world. Without prejudice or partiality, I do not believe the universe can show a finer country—so luxuriant in its soil; so happy in a healthy climate; so extensively watered by so many navigable rivers, and producing within itself not only all the necessaries, but even most of the superfluities of life.

A great many gentlemen have already appeared in homespun, and I hope soon to make one of the number. Many imagine the Stamp Act will be suspended for a time, till some expedient may be hit on to reconcile the exemption we claim from a parliamentary taxation, with the right and power asserted of late by the Parliament. If the act be suspended until such an expedient can be found, it will be suspended for all eternity.”¹

In a letter, dated August 12, 1766, which is thought to have been written to William Graves, Charles Carroll says:

“The colonies are far from aiming at independence. If, indeed, slavery and dependency be convertible terms

¹ *Ibid.*, September 12, 1874. p. 323.

—and if your government should not make the proper distinction, and should treat us, not as culprits composing a part of the same society, and entitled to the same privileges with the rest, but should look upon us as slaves, and should use us as such, I believe every American would disclaim that sort of dependency.”¹

The disappointment in courtship, which had been a part of Charles Carroll’s London experience, had disinclined him to thoughts of matrimony, as he believed, on his return to Maryland. But the wise bachelor philosophy to which he gives utterance in the fall of 1765, had all been dissipated in the space of a few months, and in the spring of 1766, we find him again under the influence of the softer passion. He was in love with his cousin Rachel Cooke, and she returned his affection. This lady was descended, like himself, from Jane Lowe, Lady Baltimore. The wedding was to have taken place the 8th of July, 1766, but the lover was seized with a fever in June, which lasted for so long a time that the ceremony was postponed until early in November. He then writes over to London for gifts to be purchased for his bride, and he asks a friend to buy him a “curricle” in view of the coming event. But now it was the lady who fell sick, and in the very month she was to have been married, Charles Carroll was shocked and stunned by her death. His grief for her loss seems to have been poignant, if not long-lived. But at thirty the spirit is elastic, and a bruised heart is soon healed. Another fair cousin was at

¹ *Ibid.*

hand to offer consolation, and to this lady, Mary Darnall, Charles Carroll of Carrollton was married, June 5th, 1768. She and her mother had been living in his father's family for some years, which accounts for the brief courtship. The following letters to his English friends and others, tell the story of these several vicissitudes of feeling, and of the final happy consummation.

15th September, 1765.

DEAR GRAVES:

The gentleman who informed you of my Father's having presented me with £40,000 sterling, was misinformed, or was willing to impose on you a piece of news of his own coinage—not only 40,000 pounds but the whole of my Father's estate is at my disposal. We are, and are likely to continue on the best of terms: never Father and Son were [on] better.

Matrimony is at present but little the subject of my thoughts; indeed I am uncertain whether I shall ever marry, unless I meet with a lady of good sense and good nature....

Affectionately yours

CH. CARROLL OF CARROLLTON.¹

21st November, 1765.

DEAR BRADSHAW:

... As to your humble servant, he is much as you left him—as thin, as easy, and as sincere and unalterable in his friendship; still a bachelor and likely to remain so—not from any fixed purpose, or former disappointment, but merely from indifference. At our years the passions grow cooler, and our reason generally operates

¹ Family papers, Rev. Thomas Sim Lee.

the stronger in proportion to the abatement of youthful heat. A man of common sense at twenty [thirty?] is well convinced, or ought to be, of the emptiness of that passion (which exists nowhere but in romance). If he marries, he will marry from affection, from esteem, and from a sense of merit in his wife.... It is indeed a misfortune too common, that the generality of women neglect to improve their understandings—their whole time being taken up in emptiness, in adorning and setting off to advantage their charms. They do not reflect that these, in the eyes of a husband, but a few months; and good sense, good nature, improved by reflection, by reading, are the only means to hold the affection of a husband, and to perpetuate that empire which beauty first established. What more dreadful, what more irksome, than to be linked for life to a dull, insipid companion, whose whole conversation is confined to the color and fashion of her dress—the empty chit-chat of the tea-table? Nor would I be understood to insinuate that the domestic cares, and charge of a family, are beneath the notice and dignity of a wife, for due attention to the duties that fall to the mistress of a family, far from being derogatory, would do honor to a lady in the highest station in life.¹

May 29, 1766.

DEAR DANIEL:

Before you receive this, I shall probably be married to Miss Cooke....

¹ Family papers: *Appleton's Journal*, September 10, 1874, p. 354.

22nd July, 1766.

DEAR CHRISTOPHER:

I was to have been married the 8th inst., but a sharp fever seized me about the 20th of last month. It continued without intermission for thirteen days, and from that time, though with several intermissions, it has hung upon me till a few days ago.

August 26th.

DEAR BRADSHAW:

I was to have been married the 8th of last month to an amiable young lady, but was taken ill with fever in June. If I continue thus recruiting I hope to be married early in November.¹

17th September, 1766.

DEAR CHRISTOPHER:

About the 10th next November I shall be invited in the mysterious rites, as Milton calls them on Hymen. A greater commendation I cannot make of the young lady than by pronouncing her no ways inferior to Louisa, and that the sweetness of her temper and other amiable qualities had made on a heart too susceptible perhaps, of tender feelings, and on a mind not sufficiently strengthened by philosophy to resist those and the united power of good sense and beauty.²

October 6, 1766.

DEAR MADAM:

I wrote to your nephew the 17th of last month and in that letter acquainted him with my intended marriage which I believe if nothing unforeseen happens will take

¹ Family papers, Rev. Thomas Sim Lee.

² Family papers, Mrs. William C. Pennington.

place the first week in November. You have no doubt some curiosity to know what sort of choice I have made. Were I not afraid of doing injustice to the lady, I would endeavour to present you with her picture, but I have been so accustomed to draw ugly likenesses that I fear I shall make but a bad hand at a handsome one. This much I will say, and this is her chiefest commendation, she has good sense, a temper equally sweet as yours, and a modesty that would charm a rake.

[And after a few jests about women which he fears his correspondent might interpret as “a satyr upon your sex” the letter continues.]

I assure you I have been more sparing in my reflections, and in pronouncing judgment on that amiable part of mankind since the opinion a charitable lady of your acquaintance was pleased to form of me behind my back, from little inadvertencies, and that opinion was delivered seriously and deliberately before a sister whom at that time I would have given the world to entertain better of me. Well then, since the subject has somehow unaccountably led me on to the lady, I may mention her name. How is Louisa? There was once more music in that name than in the sweetest lines of Pope; but now I can pronounce it as indifferently as Nancy, Betsy, or any other common name. If I ask a few questions I hope you will not think I am not quite as indifferent as I pretend to be. But I protest it is mere curiosity, or mere good will, that prompts me to inquire after her. Is she still single? Does she intend to alter her state or to remain single? If she thinks of matrimony, my only wish is that she may meet with a man deserving of her.

I write to your nephew by this opportunity. Pray

remember me to your brother for whom as for yourself I shall ever retain an unfeigned esteem and sincere regard.

The first part of this letter contains a request to his correspondent to execute some commissions for the writer's intended bride, Brussels lace, a necklace, etc. In a postscript Charles Carroll adds:

"I have sent the measure of the lady's stays, and of the skirts of her robes. I hope you will excuse any impropriety in my expressions, for I confess an utter ignorance in these matters. The silk marked (l) is for a young lady who lives with us."¹

This young lady so casually mentioned "who lives with us," was no doubt Mary Darnall. The wedding dress intended for Miss Cooke was brought over, and remains today an heirloom in her family. It was worn "in 1876, more than a hundred years later [than the date of the above letter], at one of the Martha Washington parties, the fabric almost untarnished by time."²

November 27th, 1766; DEAR GRAVES: The young lady to whom I was to have been married died the 25th instant. She was acknowledged by all her acquaintance to be a most sweet-tempered, amiable and virtuous girl. I loved her most sincerely and had all the reason to believe I was as sincerely loved. Judge of my loss, and by it of what I now feel.³

¹ *Ibid.*

² *Magazine of American History*, 1878, vol. ii., p. 100.

³ Family papers, Rev. Thomas Sim Lee.

8th March, 1767.

DEAR CHRISTOPHER:

The lady's name to whom I was to have been married was Cooke, a cousin of mine, but not the same I spoke of to your Aunt. She possessed every qualification requisite to make me happy, virtue, prudence, and consequently good sense; a cheerful and even temper, an agreeable person. Her death was the greatest shock to me as it was not apprehended. She had been ill four or five weeks, but the doctor either knew not or dissembled her danger. During her illness I often visited her, her father's house not being more than twenty-two or twenty-three miles from ours. The last visit I paid her was on the 25th of November. On that day in about three hours after my arrival she died. She retained her senses almost to the last; perfectly resigned to her fate she seemed to feel much more for us than for herself. I make no doubt if virtue is to be recompensed in a future state, she now enjoys perfect happiness. What must I not have felt during this distressful scene, of which I was not only an eye-witness, but the principal sharer.

Your heart is too tender not to partake even at this distance of your friend's grief, and to sympathize with him. All that now remains of my unhappy affection is a pleasing, melancholy recollection, of having loved and being loved by a most deserving woman.

I really know not how it is, but either from lowness of spirits, or from a puny, weakly frame, perhaps from both, as reciprocally the cause and effect, I am grown quite indifferent to everything in this world, even to life itself. I assure you—I speak without affectation, and with due submission to the will of God—I care not how soon a period is put to this dull tameness of existence here, but, I am sensible, to merit immortal happiness, we must pa-

tiently submit, I was going to say cheerfully, but I have not virtue enough to do that—to the crosses and trials of this life, nay we must drink up the very dregs of it. I am now come to the dregs of mine. Is it then surprising that I should wish the bitter potion down? Do not be startled at this morality. Virtue, believe me, is the only foundation of happiness in this life; there can be no other foundation for happiness in any other but virtue—reason and revelation both teach this; constant experience, too, confirms it to be true—else whence that perpetual anxiety, those endless, restless desires in men possessed of all worldly advantages—dignities, power, wealth, strength, beauty, health, wisdom? Even these favorites of nature are as craving, as uncontented, as her most destitute, impoverished children! Why? These men want virtue; their desires are insatiable because not fixed on the only object capable of satisfying man, and intended to satisfy him, by rendering him completely happy—infinite, and to the enjoyment of this virtue only can entitle us.

The mentioning Ryegate has recalled a thousand pleasing ideas to my mind. How many happy hours have I past in that pretty spot, with an innocent, cheerful and contented family, the peace of which the worst of tempers could not disturb. Excuse this reflection on an Aunt who hated the best of sisters. If possible my regard for your Aunt Esther, that amiable woman is increased. My poor dear Miss Cooke often put me in mind of her, there was a striking likeness in their temper and manner.¹

¹ Family papers, Mrs. W.C. Pennington: Partly published in *Appleton*, Sept. 19, 1874.

9th March, 1767.

DEAR JENNINGS:

I received a few days ago your letter of 18th November. You must have received before this comes to hand the news of Miss Cooke's death. From the sweetness of her temper, her virtue and good sense, and from our mutual affection, I had the strongest assurances of happiness in the married state. It has pleased God to teach me by this severe visitation that no happiness but what results from virtue is permanent and secure.¹

Long years after the death of Charles Carroll of Carrollton, there were found in a secret drawer of his writing desk a miniature of Rachel Cooke and a lock of her hair.

But now the new love appears on the scene.

August 13th, 1767.

DEAR JENNINGS:

Perhaps before you receive this I shall be married. I have been so successful as to gain the affections of a young lady endowed with every quality to make me happy in the married state. Virtue, good sense, good temper. These too receive no small lustre from her person, which the partiality of a lover does not represent to me more agreeable than what it really is. She really is a sweet-tempered, charming, neat girl—a little too young for me I confess, but especially as I am of weak and puny constitution—in a poor state of health, but in hopes of better, “Hope springs eternal in the human breast.”²

27th August, 1767.

DEAR GRAVES:

I have yours of the 4th of last February now before me. I am quite of your opinion. I adopt all your argu-

¹ Family papers, Mrs. William C. Pennington.

² *Ibid.*

ments in favor of the matrimonial state; after such a declaration you will no doubt expect to hear that I entertain fresh thoughts of matrimony. I not only do so, but the thing is already concluded on and the ceremony will be performed some time in September or October next. The lady's name is Darnall, of a good family without any money; and in every other respect she is such as you would recommend to your friend, cheerful, sweet-tempered, virtuous and sensible.¹

September 10, 1767.

TO MR. BIRD, JUNR.

Dear Sir:

My last to you was dated the 8th of last March. Your silence is the more surprising as I not only expected letters from you, but to receive some things which I took the liberty of troubling your Aunt to buy for my cousin Miss Mollie Darnall, and who is greatly disappointed at not receiving them.

Immediately on the death of Miss Cooke, my father wrote to your Aunt countermanding what I had desired her to purchase for that lady.²

October 17th, 1767.

TO MR. WILLIAM BROWN:

Miss Darnall has taken the liberty to request Mrs. Brown to purchase some articles in the enclosed invoice, and I doubt not but Mrs. Brown will be so good-natured as to execute the commission to Miss Darnall's satisfaction. I compute her invoice will amount to 150 or 160 pounds. Perhaps it may amount to £200. On this head I can say no more than this, let the things be bought at the best rate, but at the same time handsome and genteel.³

¹ *Ibid.*

² *Ibid.*

³*Ibid.*

November 7, 1767—Dear Graves: My last to you was dated 27th August... I informed you that I expected to be married this last October to Miss Darnall, but the frequent prorogations of our Assembly which will be dissolved, of course, next month, have hitherto prevented our marriage from taking place. A new Assembly will be chosen this winter which will meet early next spring and then I propose getting a law passed to empower Miss Darnall who is under age, to consent to a settlement in bar of dower. If I succeed in my application to the House for this purpose, I imagine I shall be married some time next May.

Pray what are your sentiments of the late expulsion of Jesuits from Spain? General accusations against a body of men, of great crimes and misdemeanours, without particular proof, are to me strong confirmation of the falsity of those accusations. It is my private opinion, that the Roman Catholic princes are desirous of rooting out the regular clergy in their dominions, not only with a view of seizing their estates, and enriching with their plunder a few court favorites, but to ease their people of a dead weight and themselves of a political incumbrance.¹

January 16, 1768, Dear Graves: I hope you have received my last letter of the 7th November. By that you will learn that my marriage with Miss Darnall was put off till the next spring, in order to obtain an Act of Assembly.... Thus you see if the settlement cannot be securely made without an Act to give it a legal force, I may wait two years longer, that is till the young lady comes of age. She will be 19 years old the 19th of next March. I leave you to judge how disagreeable such a delay must be in my situation. I

¹ *Ibid.*

wish you would apply to one or two able lawyers for their opinion upon this point. Inclosed is an order in blank upon Messrs Perkins & Co. for what money it may be necessary to give to the lawyers for their advice.... Pray do not lose any time. By the laws or the usage of this Province, widows are entitled to one-third of the personal estate absolutely and negroes are accounted as part of the latter.

The bulk of my estate consists of negroes and money. We have near £30,000 at interest and above 300 negroes, worth at least in average £30 sterling each. In case of my death a very large proportion of my estate would probably be carried into another family, to the prejudice of my own children or of the heir at law.

The young lady to whom I am to give my hand and who already has my heart, altho' blessed in every good quality, has not been favored by fortune in respect to money, and this among many others is a strong instance of the partiality and blindness of that goddess; or that riches are not always bestowed upon the deserving. I mention not this circumstance as an objection to the young lady. I prefer her thus unprovided to all the women I have ever seen—even to Louisa—but only as a reason inducing the necessity of a settlement, and strongly justifying it. I am willing and desirous that all my future actions should stand the test of those two severe judges—Reason and Justice.¹

The marriage contract was drawn up on Saturday, the 4th of June, 1768, and is styled an “Indenture” between Charles Carroll of Carrollton, of the first part, Henry Darnall, Jr., of the second part, Rachel Darnall, wife of said Henry, of the third part, Mary

¹ *Ibid.*

Darnall, daughter of said Henry and Rachel, of the fourth part, and Robert Darnall, uncle to said Mary, of the fifth part. The witnesses to the signatures of Henry Darnall, Jr., and Robert Darnall are William Digges, Jr., and Joseph Digges. The witnesses to the signatures of Charles Carroll of Carrollton and of Rachel Darnall and Mary Darnall, are Charles Digges, Ann Darnall, and Mildred Hanson.¹ The marriage took place the following day, and is thus noticed in the Annapolis paper of the 9th of June.

“On Sunday evening was married at his Father’s House in this city, Charles Carroll Jr. Esq.; to Miss Mary Darnall, an agreeable young Lady endowed with every accomplishment necessary to render the connubial state happy.”²

The bride, as the daughter of Henry Darnall of Prince George’s County and Rachel Brooke, was related to the bridegroom through both sides of his house.

The Hon. Daines Barrington, Charles Carroll of Carrollton’s English friend, to whom the following letter was written, belonged to a distinguished band of brothers, one of whom became a bishop, one an admiral, and one a major-general, and two of them were writers and statesmen. Daines Barrington, M.P., published his quarto volume, “Observations upon the more Ancient Statutes, from Magna Charta to James I.,” in 1766, and it was republished the following year, when Mr. Graves, who seems to have visited America at this time, brought over a copy from the author as a present to Charles Carroll.

¹ Family papers.

² *Maryland Gazette*, 1768.

The latter evidently placed a high value upon the book, for its stores of legal learning, and its valuable emendations, and he quoted from it more than once in his controversy with Daniel Dulany a few years later.

August 19, 1767.

TO THE HON. DANES BARRINGTON:

I received from Mr. Graves your agreeable, judicious, and entertaining observations on the statutes. The least I can do for the pleasure they have afforded me is to acknowledge it, and thank you. What, too, not a little enhances the value of the present, independent of its intrinsic worth, is your remembrance of me; if to be praised by a great man is the highest praise, to be remembered by one is not less flattering. As a token of friendship, your book cannot but be pleasing to me; the perusal of it has afforded me no small amusement and instruction. Indeed I could not have thought so dry a subject capable of such embellishments. You have thrown a new light on the old statutes by making them expositions of the manners of our ancestors. Perhaps the only fault in the book is the quotation of so many different languages; few of the readers, I believe, will understand all the languages you have quoted; at least I wish you had Englished many of them for such ignorant ones as myself.

Graves tells me the bear-hams were spoilt, they were perfectly sound when they left this place. I have endeavored to procure you a taste of American venison, but hitherto without success; but I hope to get some venison time enough to send in the spring.

I am, sir, etc.

CHARLES CARROLL OF CARROLLTON.¹

¹ Family papers: *Appleton Journal*, September 19, 1874, p. 354.

At this time appeared, 1767-1768, John Dickinson's Letters of the "Pennsylvania Farmer," which were so greatly admired by the patriots of America. The first one was copied into the *Maryland Gazette*, December 17, 1767. Charles Carroll read them all with avidity, doubtless. And when writing his "Letters of the First Citizen," he called special attention to the eleventh one of these papers, which he recommends to his countrymen for its wisdom and patriotism.

William Cooke, a brother of Charles Carroll's illfated ladylove, went to London in the spring of 1768, to study law at the Temple, and carried with him a letter from Carroll to his friend Graves, who was to introduce young Cooke to some of the pleasant set whose acquaintance he had enjoyed. They were "learned and sensible men" who were wont to meet at the "Crown and Anchor," we are told. Charles Carroll's good opinion of his cousin was well founded, for making the most of his student years in England, he became subsequently one of Maryland's most distinguished jurists.

April 16, 1768.

DEAR GRAVES:

This will be delivered to you by Mr. William Cooke, a relation of mine for whom I have a sincere friendship and esteem, and whom upon acquaintance I make no doubt you will find worthy of yours.

It was this gentleman's sister I was to have espoused. *Sed Dis aliter visam.*

Mr. Cooke intends to remain in London two or three years in order to perfect himself in the law by a diligent

application to that science and constant attendance on the courts, and by such further helps as his residence in the Temple or some other Inn of Court may afford him. An acquaintance with and the conversation of some good lawyers will I apprehend be particularly useful to him not only by their pointing out a proper method and proper books, but by resolving such difficulties as may occur in the course of his reading. It is with this view chiefly that I make bold to recommend him to you for advice in the profession which he has embraced, and in which you have acquired a considerable degree of knowledge. Any assistance you may lend him in this way, or any services you may please to confer on him by introducing him to good acquaintances he will gratefully acknowledge, and I shall deem as conferred upon myself. His finances are too scanty to permit him to keep constantly the same agreeable company with which you brought me acquainted. However, by a well-regulated economy at other times he may now and then afford to spend his half guinea, if that expense should be necessary to procure him the acquaintance and countenance of learned and sensible men.

Mr. Cooke has for some years past applied himself to the study of the law, and I believe he is pretty well acquainted in the practice of the court and judicial proceedings. For any further particulars relating to this gentleman I must refer you to himself. I have sent by him three venison hams which you will be pleased to accept of for your use and the gentlemen at the Crown and Anchor to whom, particularly to Mr. Barrington and Hussey I desire to be remembered.

I hope you have received my several letters of the 16th and 22nd January and 7th of February, and complied with what I have therein requested of you. Not that I

think the opinion whatever it may be, will be necessary for the regulation of my conduct. Our Assembly will set the 19th of May when I intend to apply for a bill to dispense with the disability of nonage. Such applications are, I believe, not uncommon. In the present instance it is just and reasonable, and can be attended with no inconvenience to the public, consequently I have solid grounds to hope for success.”¹

Charles Carroll of Carrollton, besides his Maryland friends, and those made in his long sojourn in Europe, was more or less intimate with some of his Virginia neighbors. Robert Carter of “Nomini Hall” in Westmoreland, a member of the Virginia Council, he came to know in business as well as socially, as they were co-partners in the ownership of the Baltimore Iron Works, and met frequently, besides keeping up some correspondence on the concerns of the company. Another prominent Virginian with whom Charles Carroll was intimate, and whom he may have met in England, was Philip Ludwell of “Greenspring,” who died in London, March 25th, 1767, leaving three daughters, co-heiresses, one of whom married William Lee. In his will, Philip Ludwell made a bequest of some books to Charles Carroll, and the later wrote the following letter to the executors of Ludwell’s estate, Richard Corbin and Robert Carter Nicholas:

8th November, 1767.

GENTLEMEN:

I have made choice agreeable to the bequest of my worthy friend, Colonel Ludwell, of the books on the op-

¹ Family papers, Mrs. William C. Pennington.

posite side of this. The presses and shelves are referred to, that you may the more easily discover at one view what books I have chosen. A very sincere friendship subsisted between us. The legacy he hath bequeathed to me, and particularly the manner in which it is expressed, is a proof of that friendship; and I have accepted of this token of my friend's remembrance, more from this motive, than from any real want of the books I have selected from his collection for my own use. I desire the books may be safely packed up and sent by water to Annapolis, directed to Charles Carroll of Carrollton. I hope you will excuse the trouble you are put to on my account, as I would willingly undertake the same to serve you—I am,

Gentlemen, your most obedient humble servant,

CH. CARROLL OF CARROLLTON.

P.S.—If it should be too troublesome, or it should not lay in your way to look out for a proper opportunity of sending the books to Annapolis, you will be pleased to commit them to the care of Sir Peyton Beckwith, with whom I am well acquainted, who will take the proper care of them.

To The Hon. Richard Corbin, Esq.,
and Robert Carter Nicholas, Esq.
at Williamsburg, Virginia.”¹

The half sheet containing the names of the books has been lost.

Charles Carroll's acquaintance with George Washington first began, probably, through his father's connection with the Clifton estate, and the lawsuit growing out of that business, to which reference has been made in the Carroll correspondence. Charles

¹ MS. Letter, Nathaniel Paine, Worcester, Mass.

Carroll, Senior, held a mortgage on the plantation of William Clifton, in Fairfax County, Virginia, which was sold to satisfy Clifton's creditors in May, 1760, and Washington was the purchaser.¹ On his not infrequent trips to Annapolis, Washington visited at the Carroll house, where he would meet the son as well as the father, after 1765. When he went to the Annapolis races, in September, 1771, as Washington records in his diary, he dined and lodged with the Digges, William and Ignatius, and dined one day with Lloyd Dulany, the next day with Governor Eden, going from there to the play. He dines with other friends two evenings in succession, each time going to the play, and on the 27th the entry is "dined at Mr. Carroll's and went to the ball." More dinners, with Mr. Jenifer and others, visits to the play and the Coffee House, and a supper at Daniel Dulany's on the 29th, fill out the gay chronicle.²

The friendship thus begun between Charles Carroll of Carrollton and Washington was cemented later in the trials and labors of the Revolution, and continued unimpaired through all the subsequent years, when their sympathy on all questions of Federal politics will be seen to have been complete and cordial. Charles Carroll of Carrollton was associated with Washington, and other gentlemen of Virginia and Maryland, about this time, in their scheme for improving the navigation of the Potomac River. The Potomac Company was formed before Charles Carroll's return to America, when in May, 1762, a meet-

¹ Washington Ledgers, Toner Transcripts.

² Ford's "Writings of Washington," vol. ii., p. 339.

ing was held in Frederick, Maryland, managers were elected and two treasurers appointed. At the session of the Virginia Assembly in 1772, a bill was introduced for opening and extending the navigation of the Potomac, from Fort Cumberland to tidewater, and Washington, who was in the Assembly, was one of the committee having the matter in charge. John Ballentine, a Virginian merchant, proposed to undertake this work. The Company were to subscribe £30,000, to defray expenses, and a paper is extant containing the names of some of the subscribers. Charles Carroll of Carrollton is put down for £1000.¹

Charles Willson Peale was living in Annapolis in 1767, where his talents received their first encouragement through the kind interest and assistance of John Hesselius, a Swedish artist then located at the Maryland metropolis. Wishing to go to London to study his art, some of the prominent gentlemen of Annapolis subscribed a sum of money to defray his expenses, Charles Carroll of Carrollton heading the list.² These patrons were to be repaid by the artist in pictures on his return to America. In London Peale painted the portrait of Lord Chatham which Edmund Jennings presented, through Richard Henry Lee, to the "Gentlemen of Westmoreland," in 1768. "It was executed by Mr. Peale of Maryland who was recommended to me by several friends in that province, as a young man of merit and modesty,"³

¹ Papers of the late Dr. J.M. Toner.

² Littel's *Living Age*, vol. xlv—(From *The Crayon*—Article by Rembrandt Peale.)

³ "Virginia Historical Register," 1848.

wrote Jennings to Lee, and no doubt Charles Carroll was one of the friends here spoken of. Enumerated in the list of Charles Willson Peale's portraits of eminent Americans is that of Charles Carroll,¹ and it is more than probable he painted other canvases for Charles Carroll of Carrollton which have not been identified.

¹ Appleton's "Cyclopedia of American Biography," edition of 1888—Article on Peale.

CHAPTER IV.

LETTERS OF THE FIRST CITIZEN.

1773–1775.

THE third memorable period in Maryland's eighteenth-century annals, of which we have made mention—that between 1770 and 1773—found Charles Carroll of Carrollton ready equipped and eager to take his place as the champion of popular liberties. The rating of tithes and the collection of officers' fees were the two subjects agitating the province during these years. With the former, as a Roman Catholic, Charles Carroll doubtless thought he could not with propriety concern himself, but he felt that as a citizen he could speak with authority in behalf of the civil franchises of his native colony. The fees had been fixed by the Legislature from year to year, and were paid to the officers of the province, either in money or tobacco, in place of salaries. The House of Burgesses, however, had determined that the perquisites were too large in some instances, and in one case, at least, an officer had been guilty of taking illegal fees.

But all the efforts of the Burgesses to reform the

VOL. 1.-7

abuse, and reduce the amounts, were resisted by the Council, which refused to concur in a new law framed by the Assembly to regulate fees. And the Council contained among its members, several persons who benefited by the excessive rates, among others the two Dulanys, Daniel and Walter, the one the Secretary, the other the Commissary-General, of the province. When this matter was brought up by the Legislature in 1770, and the arrest ordered of the land-office clerk accused of taking fees not due to him, Governor Eden cut short the difficulty by proroguing the Assembly, and taking the case into his own hands. The old law had expired and the Burgesses and Council could not agree upon a new one. The wheels of state could not stand still, therefore, argued Governor Eden, it was the duty of the executive to settle the fees, which he accordingly did by a proclamation, dated the 26th of November, 1770, fixing them at the former rate. Thus the Assembly or Lower House, which was the Legislature proper, saw its will disregarded, and an arbitrary mandate superseding the decision of the people's representatives.

The law for the rating of tithes having expired also, the clergy went back to an old act which gave them ten pounds more of tobacco for each tithable than the one recently in operation. The murmurs of the people against these two "grievances" were loud and deep. But the former, as involving an important principle, the right of the people to tax themselves, fees being looked upon as taxes, struck at the base of Maryland's legislative liberties, and menaced

the whole structure, exciting widespread indignation and alarm. The colonists resented bitterly what they considered a tyrannical and contemptuous disregard of their rights and privileges. For two years and more the injustice rankled, the small body of officials, only, defending the action of the Governor, while the popular voice was unanimous against it.

At length the Government seemed to have found a champion able to make good the contention as to the legality of its proceeding, and to silence all of Eden's detractors. The *Maryland Gazette* of January 7th, 1773, contained his first letter, under the signature of "Antillon," in the form of a dialogue between the "First" and "Second Citizen," the latter defending the Proclamation, while the "First Citizen" attacked it. The learned and ingenious author so managed his argument, as to give the "Second Citizen" the complete victory in the controversy. Then appeared the protagonist of the people, in a new and unknown writer, who, taking up the gauntlet thus thrown down, and styling himself the "First Citizen" with equal ability and knowledge, maintained the thesis that fees were taxes, and taxes should only be laid upon the people by those who represented them.

The letters were continued, one answering the other, "Antillon" writing four and the "First Citizen" an equal number, until July 1st, when with the last letter of the "First Citizen," his victory was seen to be complete, an overwhelming popular sentiment sustaining him. Long before the conflict closed, the incognito of the two controversialists

was an open secret. The fatuous jurist, Daniel Dulany, stood confessed in “Antillon,” or the “Second Citizen”; while as the “First Citizen,” Charles Carroll of Carrollton first came before the world in defence of those principles of liberty with which his name was afterwards to be identified, throughout a long and distinguished career.

Letters of thanks came to the “First Citizen,” from William Paca and Matthias Hammond, the representatives of Annapolis in the Assembly, and from the freemen of Frederick, Anne Arundel, and Baltimore counties. And the citizens of Annapolis, not thinking the letter of their delegates sufficient to show their gratitude, came in a body to present their thanks, as soon as it was generally known that Charles Carroll of Carrollton was the “First Citizen.”¹

The Governor had felt it necessary to repeal the Proclamation, and its mock funeral was performed by the people with appropriate ceremonies. The rejoicing was universal at this triumph. William Paca and Samuel Chase meanwhile had been discussing tithes with a clerical antagonist, the Rev. Jonathan Boucher. And it seems probable the following anecdote relates to these controversies over fees and tithes, though the date of the conversation must have been later than that assigned to it.

“From the earliest symptoms of discontent, Mr. Carroll foresaw the issue, and made up his mind to abide it. Once when conversing with Samuel Chase, in 1771 or 2,

¹ *Truth Teller*, New York, 1827, Article on Charles Carroll of Carrollton.

the latter remarked, 'Carroll, we have the better of our opponents, we have completely written them down.' 'And do you think,' Mr. Carroll asked, 'that writing will settle the question between us?' 'To be sure,' replied his companion, 'what else can we resort to?' 'The bayonet,' was the answer. 'Our arguments will only raise the feelings of the people to that pitch when open war will be looked to as the arbiter of the dispute.'"¹

The letters of Carroll and Dulany, dealing somewhat too much in invective, and abounding in personalities, many of which are unintelligible to the modern reader; bristling with classical quotations, and freighted heavily with the lore of the law pedant; their argument sustained by laborious precedent and learned maxim, are now little read, though they remain worthy memorials of the eminent men who penned them. "They are political essays of a high order," says a distinguished Maryland historian, "taking a wide range through the doctrines of constitutional liberty, evincing much research, abounding in happy illustrations, and often pointed with the most caustic satire."²

These essays of Charles Carroll brought the modest, studious, and retiring planter out of the shades of private life into the full glare of political publicity. He was evidently little known at this time, even in his own province, while his adversary, Daniel Dulany, the author of a pamphlet on the Stamp Act, the

¹ *Ibid.* This article is believed to have been written by Dr. Richard Steuart, Charles Carroll's friend and physician, and to have passed under Carroll's eyes.

² McMahon's "History of Maryland," p. 389. Baltimore, 1831.

Secretary of the colony, and the great ornament of its judiciary, had established a reputation that had reached to the bounds of the colonies, and was familiar to the legal profession in the mother country. A traveller from New England, young, gifted, patriotic, an inquisitive student alike of books and of political institutions, visited the Southern Colonies at this time, and recorded in his journal an account of the political agitation then existing in Maryland. He writes:

“I spent about three hours in company with the celebrated Daniel Dulany (author of the ‘Considerations’), the Attorney-General of the Province [Edmund Jennings], and several others of the bar, and gentlemen of the Province. Dulany is a diamond of the first water, a gem that may grace the cap of a patriot or the turban of a sultan. A most bitter and important dispute, is subsisting, and has long subsisted, in this Province touching the fees of the officers of this colony, and the Governor’s proclamation relative thereto, which I have in print. At the conference of the two Houses. the dispute was conducted with good sense and spirit, but with great acrimony, by Daniel Dulany of the Council, and the Speaker, Tillingham [Tilghman], of the Lower House. The same dispute is now kept up in the public papers by Daniel Dulany on one side, and Charles Carroll of Carrollton on the other, with mutual bitterness. The signature of Dulany is ‘Antillon,’ that of Carroll is ‘The First Citizen.’ Carroll and Dulany are both men of great fortune.”¹

¹ “Memoir of Josiah Quincy, Junior,” p. 100.

Charles Carroll began his rejoinder to the Editor of the Dialogue very cleverly, by sarcastically alluding to the latter's incognito as injurious chiefly to the writer himself, as his admirers would not know where to bring their incense. He then complains that he, the 'First Citizen,' has been misrepresented, in the conversation the Editor reports himself as having overheard, and he claims the right to give his sentiments in his own language. The Dialogue is then taken up, and the Editor, henceforward becomes identified with the "Second Citizen." This gentleman, writes Carroll, evinces a singular change in his principles. What has happened to cause it? Are not the same rulers in the Province now as in 1765, when the "Second Citizen" held such different views as to their wisdom and patriotism? Or is it not the case that a certain family, a few of whom held power then, wish to provide offices for all the rest of their connection? It was men then, not measures, to whom the patriot of the Stamp Act agitation was opposed.

It was true enough, as Charles Carroll had stated, that the Maryland Government had been for years very much in the hands of one family connection, the Taskers, Bladens, and Dulanys. Daniel Dulany's father-in-law, Benjamin Tasker, had been President of the Council for a long period before his death in 1767, and Dulany's brother-in-law, Col. Benjamin Tasker, Jr., who died in 1760, was also of the Council, and at the same time Secretary of the Province. The offices of Commissary-General and Secretary became almost hereditary in the Dulany family,

Col. Tasker, Sr., being Commissary-General in an interval between the two Daniel Dulanys, father and son, and now, in 1773, Walter Dulany held this place while his cousin was Secretary. Mrs. Daniel Dulany's mother, the wife of Benjamin Tasker, Sr., was a Bladen, niece of the former Governor of Maryland; and the present Governor, Robert Eden, who came to the Province in 1767, while he had married Lord Baltimore's daughter, had also connected himself with the Bladens, as this lady was a niece of Governor Bladen's wife. So that many ties seemed to bind the Dulanys to the Government, and to render it difficult for one of them to antagonize the Executive.

A little further on, Charles Carroll quotes from Daniel Dulany's own writings in support of the argument he makes against him. "On this occasion," he writes, "I cannot forbear citing a sentence or two from the justly admired author of the 'Considerations,' which have made a deep impression on my memory."¹ Dulany had said then that in a question of public interest the opinion of no Court lawyer, however respectable, should weigh more than the reasons adduced in support of the point. But now he seemed to think that the opinion of the Council in England, approving of the Proclamation, was all-sufficient to establish its legality. And the "First Citizen" goes on to show from examples in history, how Court lawyers have often betrayed the cause of the people, and that "Court and Country interests" are often dissimilar, though they should be

¹ Appendix A.

identical. A wicked minister, he asserts, is responsible for a violation of the law here in Maryland, as had often been the case in England. And to preserve their own salaries from diminution, a few officials had impaired the fortunes of all the rest of their countrymen.

Adopting the maxim of the British Constitution, “the King can do no wrong,” Carroll gives the blame here to Governor Eden’s advisers, his “ministers,” and so adroitly avoids a personal charge against the Governor himself. To the contention that ministers are as much concerned in the preservation of the public liberties as other people in a community, and that they would not “engage to pull down a fair and stately edifice, with the ruins of which, as soon as it is leveled to the ground, they and their families are to be stoned to death,” the answer is one of wisdom, and of warning, for all times and countries, “that for the present enjoyment of wealth and power liberty in reversion will be easily given up.” History is full of examples, writes Carroll of this melancholy truth. And “power is apt to pervert the best of natures.”¹

In recognition of the first letter of Carroll, there appeared in the Maryland Gazette of February 11th, a letter to the “First Citizen,” thanking him for having spoken with an “honest freedom.” The writers of this epistle who signed themselves “Independent Whigs,” add their condemnation of the Proclamation and its defenders to that of the “First Citizen,” and add: “We had for a long time impa-

¹ *Ibid.*

tiently waited for a man of abilities to step forth, and tell our darling ministers in a nervous style the evils they have brought upon the community.”¹ Doubtless Samuel Chase and William Paca were among these “Independent Whigs,” and Chase may have been the writer here. “Antillon,” the name now assumed by the “Second Citizen,” in answering the Whigs, alludes sarcastically to the “First Citizen” as a pupil of St. Omer’s, “the best seminary in the universe of the champions for civil and religious liberty.”² He ridicules the maxim quoted by Carroll, and repeated by the “Independent Whigs,” that “the King can do no wrong,” especially as applied to a colonial governor. A card then appeared from the Whig gentlemen, solemnly asserting that the “First Citizen” “was and is totally a stranger to our signature,” and adding: “If he has been told who we are, treachery alone could have communicated the information.”³

The “First Citizen” in his second letter assures “Antillon” that he is writing without collusion with the “Independent Whigs,” and does not know who they are, but he takes this occasion to thank them for their compliments. In his first letter, Charles Carroll had compared the Proclamation to the assessment of ship money by Charles I., and he had warned Governor Eden’s minister of the fate of that monarch. He reasserted now, in reply to “Antillon’s” palliating statement of the ship money controversy

¹ *Maryland Gazette*, February 11th, 1773.

² *Ibid.*, February 18th, 1773.

³ *Ibid.*, March 4th, 1773

that the king's conduct would admit of no apology; and while the assessment "was a more open and daring violation of a free constitution," the Proclamation was "a more disguised and concealed attack, but equally subversive in its consequences, of liberty." He relates the circumstances; how the Assembly, fearing, "in case the two branches of the Legislature should not agree in the regulation of officers' fees," that the Government would attempt to establish them by proclamation, addressed the Executive, asserting "that the people of this Province will ever oppose the usurpation of such a right." And the Governor in his reply, November 20th, 1770, declared in effect that he would not interpose in the matter, yet a few days later, on the 26th, he issued the Proclamation, or his minister did it in his name.

Daniel Dulany was the "minister" against whom Carroll's attacks were directed, as it was the general belief that it was by his advice that Governor Eden had issued the Proclamation. The accusation, adds the "First Citizen," "will not appear too rash, when we reflect on the abilities of the man, his experience, his knowledge of the law and constitution, and his late flimsy and pitiful vindication of the measure."¹ Dulany knew that a similar Proclamation in 1733 "had agitated and disjointed this province till the year 1747." Governor Ogle, as "Antillon" admitted, had aroused by this act "the most violent opposition that ever a Governor of Maryland met with." Then what he had decreed as the Executive,

¹ Appendix A.

he in his office of Chancellor determined to be lawful, making himself both judge and party. But, asked Dulany, did Ogle then as the “First Citizen” had declared of such offenders, “deserve infamy, death, or exile.”¹ “No—not quite so severe a punishment, Antillon,” responded Carroll, “he only deserved to be removed from his government, if he was directed, advised, and governed by such a minister as thou art.”

“Antillon” had shown “excellent reasoning, exquisite wit and humor” by his argument that if a governor was king, and the king could do no wrong, then Governor Eden could cut the throats and pick the pockets of all his Maryland subjects. But the “First Citizen” admitted that if the Governor, inspired by the counsels of “Antillon,” should continue to oppose the wishes of the people, he “should be one of those who would most heartily wish for his removal.” He then describes Governor Eden in these words, addressing Dulany:

“I know the man; I know him to be generous, of a good heart, well disposed, and willing to promote, if left to himself, the happiness and welfare of the province, but youthful, unsuspecting, and diffident of his own judgment in matters legal and political, failings (if they deserve the name) that have caused him to repose too great a confidence in *you*.”

And animadverting on his application of the British maxim before quoted, Charles Carroll says:

¹ *Maryland Gazette*, February 18th, 1773.

“The Governor is improperly called the King’s minister, he is rather his representative or deputy; he forms a distinct branch, or part of our Legislature; a bill, though passed by both Houses of Assembly, would not be a law, if dissented to by him; he has therefore the power, *loco Regis*, of dissenting to laws; in him is lodged the most amiable, the best of power, the power of mercy, the most dreadful also, the power of death.”

The maxim “the King can do no wrong,” meaning that on his ministry responsibility rests, Carroll declares admits of limitation, and instances are not wanting in history where this limitation is recognized and acted upon. “Thus James the Second, by endeavoring to introduce arbitrary power, and to subvert the Established Church, justly deserved to be deposed and banished.” Having followed “Antillon” in his digression and “hunted him through his labyrinths,” the “First Citizen” returns to his subject, the Proclamation. In spite of the protest made against it beforehand, it came out “cloathed with the specious pretence of preventing extortion in officers.” In a subsequent session of the Assembly it was denounced as “illegal, arbitrary, unconstitutional, and oppressive,” and the “advisers of the said Proclamation” were declared to be “enemies to the peace, welfare and happiness of the Province, and to the laws and constitution thereof.” Carroll ridicules “Antillon’s” description of the Proclamation as a “*restriction of the officers*” and “*preventive of extortion*,” when “in fact it ought rather to be considered as a direction to the officers, what to demand, and to the people, what to pay.”

Common sense tells the people that the avowed object of the Proclamation was not the real one. And to demonstrate this Carroll introduces a dialogue between an officer and a citizen, the former declaring that if the fees had not been fixed he could exact what he pleased, and it would not be extortion, "for there must be some established measure or there can be no excess." The citizen bluntly retorts that this may be good law, but for his part he would simply refuse to pay what he considered an exorbitant demand, and if the officer sued him a jury would determine what was a reasonable recompense. The Proclamation as "Antillon" admitted would have no power to fix the rates, and therefore was "not preventive of extortion," unless its legality were established by the courts. The "First Citizen" pertinently asks if the judges or a jury are to decide the matter, if the former, they might be both judge of and party to the case, as in the instance of the Governor above mentioned. But granting that the judges have the right to do so, and they decide the Proclamation to be legal, the effect would be most pernicious:

"The right of the Lower House to settle fees with the consent of the other branches of the Legislature, a right which has been claimed and exercised for many years past, to the great benefit of the people, would be rendered useless and nugatory. The old table of fees, abounding with exorbitances and abuses would ever remain unalterable, government would hold it up perpetually, as a sacred palladium, not to be touched and violated by profane hands."

But the question of deciding its legality should not be left with the judges, urges Carroll; to name but one reason, because the Council advised the Executive to issue the proclamation, and three of the judges are members of the Council. The “First Citizen” then enters into an argument to prove that fees settled by proclamation are taxes, quoting from Lord Coke, as to the definition of taxes as “a charge *put* or *set* upon any man, and new officers erected with new fees.”

“So rates that have expired by law, and are revived by proclamation and enforced by a decree of the Chancellor or the Provincial Court, are in fact new fees, and not those fixed originally by Act of Assembly. The settling of fees and the imposition of taxes are powers belonging to the representatives of the people acting in conjunction with the Executive and Upper House.

... That the circumstances of the province are much changed since the enacting of [the Inspection Law] in 1747, the Proclamation itself evinces, by allowing planters to pay the fees of officers in money, in lieu of tobacco, which alternative has considerably lessened the fees, and is a proof, if any were wanting, that they have been much too great.”

A further reduction of fees was desired by the Lower House, and opposed by the Upper.

“One would imagine that a compromise, and a mutual departure from some points respectively contended for, would have been the most eligible way of ending the dispute; if a compromise was not to be effected, the

matter had best been left undecided; time and necessity would have softened dissent, and have reconciled jarring opinions and clashing interests, and then a regulation by law of officers' fees, would have followed, of course. What was done? The authority of the Supreme Magistrate interposed, and took the decision of this important question from the other branches of the Legislature to itself; in a land of freedom this arbitrary exertion of prerogative will not, must not be endured."

"Antillon" had said that if fees were taxes then only the Legislature could settle them; yet they had been settled in England by the separate branches of Parliament and by the Court in Westminster Hall, and in Maryland by the Upper and Lower House, each acting alone. Carroll admits that such was the case with Parliament "by a right derived from long usage," and that the Assembly was modelled on that body, but as to the Courts in Westminster Hall—admitting that they have settled fees in some cases—they have never settled their own fees, whereas in Maryland, by the Proclamation, the Commissary-General, the Secretary, the Judges of the Land Office, all members of the Council, may with truth be said to have settled their own fees. So the Governor, in his office of Chancellor, would settle his own fees, and be "judge in his own cause." Comparing a British precedent brought up by "Antillon" with the Maryland case, Carroll says: "The settlement of fees by order of the Chancellor, under his majesty's commission, issued pursuant to an address of the House of Commons, is not, I will own,

a tax similar to ship-money. But a regulation of fees by Proclamation, contrary to the express declaration of the House of Burgesses, is very similar thereto." In forcible and picturesque language, the "First Citizen," near the close of his letter, thus describes his adversary:

"Dismayed, trembling and aghast, though skulking behind the strong rampart of Governor and Council, this 'Antillon' has intrenched himself chin deep in precedents, fortified with transmarine opinions drawn round about him, and hid from public view, in due time to be played off as a masked battery, on the inhabitants of Maryland."¹

The pupil of St. Omer's certainly had the advantage over the graduate of Cambridge in the use of clear and flexible English. Daniel Dulany, the learned lawyer, is not always the purest writer. In one of his letters he says, using *difficult* as a verb, in this following Sir William Temple's example,—“I am not difficulted.” In his reply to Carroll's letter of March 11th he writes of the “First Citizen's” assertion that “Antillon's” account of the ship money assessment “is in the main true,” and is not impartial, that “the exility of the insinuation shall not protect the principle of it, nor shall contempt so entirely extinguish indignation as to hinder me from exposing the subdulous attempt.”² With much cleverness, but with too many personalities, Dulany combats the propositions of the “First Citi-

¹ Appendix A.

² *Maryland Gazette*, April 8th, 1773.

zen,” ending with an ungenerous taunt as to Carroll’s disfranchisement—warning the people not to put any trust in him where their “civil or religious rights” may be concerned.¹

In the “First Citizen’s” third letter he begins with a quotation as a heading from the “True Briton” on which he makes a commentary, pointing the moral of the value to a prince of a worthy minister. He quotes from Tacitus on the character of Sejanus, and notices some resemblances between the latter and “Antillon.” He animadverts upon Dulany’s allusions to his antagonist’s character, understanding, personal appearance, and iris “political and religious principles.” And Carroll adds: “What my speculative notions of religion may be, this is neither the place nor time to declare; my political principles ought only to be questioned on the present occasion; surely they are constitutional, and have met, I hope, with the approbation of my countrymen.” “Antillon” had asked, “Who is this Citizen?” And Carroll replies: “A man, ‘Antillon,’ of an independent fortune, one deeply interested in the prosperity of his country; a friend to liberty, a settled enemy to lawless prerogative.”² Then the “First Citizen,” after the controversial customs of the time, retaliates on “Antillon,” giving personalities in return, and inveighing with perhaps pardonable warmth against his illiberal foe.

He returns to the charge “that fees are taxes, and that the settlement of them by Proclamation is arbitrary and illegal”—two points he believes he has

¹ *Ibid.*

² Appendix A.

already proved, “Antillon” not having refuted the arguments he had adduced. But the “First Citizen” proceeds to cover again some of the same ground, bringing out new applications of his former reasoning, dwelling on the weak places of “Antillon’s” pleas, and presenting further illustrations in support of his main contention. The proclamation came out “cloathed with the specious and pretended necessity of protecting the people from the rapacity of officers.” But this very circumstance, considering the character of the minister, was likely to arouse suspicion. And Carroll adds these shrewd maxims, applicable to all political charters:” Our constitution is rounded on jealousy and suspicion; its true spirit and full vigor cannot be preserved without the most Watchful care, and strictest vigilance of the representatives over the conduct of administration.”¹ The “First Citizen” refers to the similar controversy between the Government and the Assembly in 1739, and quotes from the records of the Council at that period to show that “Antillon’s” “arguments and vindication of his favorite scheme” were the same in substance as those then used.

“Antillon” had taken exception to the “First Citizen’s” statement in connection with the Revolution—that it had “rather brought about than followed King James’ abdication of the crown.” This Carroll explains in the following words, which certainly are free from any suspicion of Jacobitism:

“James’ endeavors to subvert the establishment of Church and State, and to introduce arbitrary power, oc-

¹ *Ibid.*

casioned the general insurrection of the nation in vindication of it's liberties, and the invasion of the Prince of Orange, soon afterwards crowned King of England. James, dispirited by the just and general desertion of his subjects, and fearing or pretending to fear violence from his son-in-law, withdrew from the kingdom; his withdrawing was what properly constituted his abdication from the crown; his tyrannical proceedings were the cause indeed of that abdication, and voted, together with his withdrawing, an abdication of the government; till that event the Revolution was incomplete."

No one but "Antillon," says Carroll, would have seen in such a statement any slur upon the Revolution. The "First Citizen," taking up the argument again, gives "Antillon's" defence of the Proclamation in the form of a syllogism, and proceeds to deny the major premise: "Taxes cannot be laid but by the Legislative authority; but fees have been laid by the separate branches thereof; therefore fees are not taxes."¹ Yet admitting the major premise in a narrow, restricted sense, "such cases as are warranted by long, immemorial, and uninterrupted usage"—they are exceptions to the general rule. "Antillon" had also maintained that the judges in Westminster Hall had settled fees, and inferred from this that the Governor of Maryland possessed a similar power. But, Carroll argues, even if it were granted that the assertion was exact, the inference would be illogical. To prove, that the Maryland Executive had such a power, it would be necessary to show "that the King by his sole au-

¹ *Ibid.*

thority, contrary to the express declaration of the Commons, has settled the fees of officers belonging to the courts of law and equity in Westminster Hall, that is, hath laid new fees on the subject, at a time when they were no longer paid out of the royal revenue, but taken out of the pockets of the people.”¹

Carroll discusses the assertion of “Antillon” that the judges had settled fees in England, and says it was done on such occasions “by virtue of the King’s commission, at the request of the House of Commons—but it was without the sanction of a statute and was no precedent for the present case. The King had originally paid all his officers and it was but following out the spirit of the English Constitution “that he who pays salaries should fix them.” The judges apparently had never settled *new fees* by their sole authority. Carroll quotes Coke upon Littleton, and Serjeant Hawkins in support of his position. But should “Antillon” be right this can make no difference in the Maryland case. The Legislature had settled fees in Maryland as far back as 1638. A law had been passed on this subject at that period, and in 1692, the Lower House had expressly denied the Governor’s authority to settle fees, and claimed it for the freemen of the province—a claim which the Executive admitted. From time to time since, the claim had been reasserted by the Executive, and as many times expressly denied by the Legislature. And Carroll pertinently adds:

¹ *Ibid.*

“Precedents drawn from the mere exercise of a disputed authority, so far from justifying the repeated exercise of that authority, suggest the strongest motive for resisting a similar attempt, since the former temporary and constrained acquiescence of the people under the exertion of a contested prerogative is now urged as a proof of its legality.”¹

The “First Citizen” again quotes “Antillon” against himself, giving a passage from the “Considerations” in support of the point he has just made. “Antillon” should not assume, as Carroll says, that the Proclamation is constitutional because its legality is determinable in the courts. On the same principle the ship money assessment would be constitutional, for the majority of judges did actually so decide it, and a decision on the Proclamation might be just as fallacious. Recapitulating and summing up the matter, Carroll says:

“That fees are taxes, I hope has been proved; but should it be granted that they are not taxes, because they have been settled in England by other authority than the Legislature, (which I do not admit, if by a settlement of fees under the authority of the judges, an imposition of new fees be meant,) still I contend, that a settlement of fees in this Province by Proclamation is illegal, and unconstitutional, for the reasons already assigned.”

But he goes on to add new reasons, and puts the supposititious case of a similar exercise of prerogative in a British minister against the expressed will of the House of Commons, and asks what would be the

¹ *Ibid.*

consequence. “If a minister should be found daring enough to adopt the measure, a dismissal from office might not be his only punishment,” and he goes on to detail what the Commons would probably say to such a minister in the way of trenchant argument and scathing rebuke. And returning to the case in hand, he asks, What will the people of Maryland say to “Antillon”?

“They will probably tell him, *you* advised the Proclamation, with you it was concocted in the Cabinet, and by *you* brought into Council; *your* artifices imposed on the Board and on the Governor, and drew them into an approbation of a scheme outwardly specious and calculated to deceive; *you* have since defended it upon principles incompatible with the freedom, ease, and prosperity of the Province.”¹

The settling fees by proclamation is the exercise of an arbitrary will taking away “a part of the people’s property without their consent.” “Antillon” had not only made the Governor responsible for the Proclamation, but he tried to show that it had met with the approbation of the King. Of this intimation Carroll asks, “Was it to intimidate, and to prevent all further writing and discourse about the Proclamation?” “Antillon” had affected to hear with horror Carroll’s brave words: “In a land of freedom this arbitrary exertion of prerogative will not, must not be endured,” and to declare the repetition of them dangerous. But the “First Citizen” fearlessly responds: “In a free country, a contrary doc-

¹ *Ibid.*

trine is insufferable; the man who dares maintain it, is an enemy to the people." After defending himself against "Antillon's" charges of unfairness in his citations, and referring to "Antillon's" personalities, and the threat of religious persecution lying under one of his Latin quotations, Carroll closes his third letter with a citation on the evils to be apprehended as coming to his fellow-citizens and to his prince, from a tyrannical minister.

In his fourth and last letter, the "First Citizen" gives some further elucidation of his answer to "Antillon's" argument, "that fees are improperly styled taxes, because they have been settled by the separate branches of the Legislature, which only can impose a tax."¹ It is true, as Carroll admits, that "the Lords and Commons, and the Upper and Lower Houses of Assembly have each separately settled the fees of their respective officers by the particular usage of Parliament, which must be deemed an exception to the general law, and ought, as all exceptions, to be sparingly exercised, and in such cases and such manner only, as the usage will strictly warrant." And as Carroll adds: "Inconsistencies in all governments are to be met with; in ours, the most perfect which was ever established, some may be found. A partial deviation from a clear and fundamental maxim of the constitution cannot invalidate that maxim." Coming back to a discussion of the meaning of old and new fees, the "First Citizen" says: "The question therefore is now reduced to these two points, First, Has not government

¹ *Ibid.*

attempted to settle the rates of officers' fees by proclamation, secondly, Are not fees so settled, new fees? they are, upon 'Antillon's' own principle, government hath no right to settle them." In regard to the alleged power of the judges to settle fees Carroll says here:

"It has been already noticed that the authority exercised by the judges of settling fees, that is, of ascertaining the *ancient* and *legal fees*, in pursuance of a commission issued by the King, on the address of the House of Commons, is very different from the authority now set up, of settling fees by Proclamation, issued contrary to the declared sentiments of the Lower House of Assembly; if judges in this province may settle fees, because the judges in England have settled them in the manner, where was the necessity of settling fees by Proclamation?"

But leaving English precedents out of the question Carroll goes on to say:

"The regulation of officers fees in Maryland has been generally made by the Assemblies. The authority of the Governor to settle the fees of officers, has twice only, as we know of, interposed, but not then without meeting with opposition from the delegates, and creating a general discredit among the people, a sure proof that it has always been deemed dangerous and unconstitutional."¹

To the question how came the British Parliament to suffer the judges in England to exercise a power there of which they had always been tenacious,

¹ *Ibid.*

Carroll says the answer may be made by putting the further question: "How came many unconstitutional powers to be exercised by the Crown, and suffered by Parliament?" The constitution has been only gradually, and by the constant efforts of patriots brought to its existing state of perfection. "Upon the whole, the fabric is stately and magnificent, yet a perfect symmetry and correspondence of parts is wanting; in some places the pile appears to be deficient in strength, in others the rude and unpolished taste of our Gothic ancestors is discernible." Carroll then takes an historical view of the English constitution, from the Saxon period and the Norman revolution, down to his own time. Under Edward the Sixth, Mary, and Elizabeth, says Carroll, "the Parliaments were busily engaged in modelling the national religion to the Court standard; their obsequiousness in conforming to the religion of the prince upon the throne, at a time when the nation was most under religious influence, leaves us no room to expect a less compliant temper in matters of more indifference."

Though the Parliaments under the Tudors were generally compliant "instruments of power," rather than the "guardians of liberty," yet under Elizabeth's wise administration, the national prosperity increased, and the supremacy of law was more fully recognized as dividing allegiance with the *ipse dixit* of an arbitrary sovereign will.

Carroll notes that during the reign of Charles the Second "Parliaments were sedulously employed in composing the disorders consequent on the Civil

War, healing the bleeding wounds of the nation, and providing remedies against the fresh dangers with which the bigotry and arbitrary temper of the King's brother threatened the constitution. Since the Revolution," he adds, "Parliaments have relaxed much of their ancient severity and discipline. Gratitude to their great deliverer, and a thorough confidence in the patriotic princes of the illustrious house of Brunswick, have banished from the majority of those Assemblies all fears and jealousies of an unconstitutional influence in the Crown." The "First Citizen" concludes this subject with the observation that "the necessities of the English Kings, which constrained them to have frequent recourse to Parliamentary aids, first gave rise to, then gradually secured the liberty of the subject." But in Maryland he adds, the Government is almost entirely independent of the people, therefore is it the more important for the latter to maintain their right to provide for the Government's officers by legislative enactments, to which Governor and Council give the final seal by their consent. Otherwise

"the delegates will soon lose their importance, Government will every day gain some accession of strength; we have no intermediate state to check its progress; the Upper House, the shadow of an aristocracy, being composed of officers dependent on the Proprietary, and removable at pleasure, will, it is to be feared, be subservient to his pleasure and command."¹

¹ *Ibid.*

Carroll thinks a change should be made in the constitution of the Council, excluding the officers—Secretary, Commissary-General, and Judges of the Land Office from a seat in the Upper House.

The “First Citizen” then gives categorical answers, twelve in number, to the “argumentative part” of his adversary’s last letter, and these replies embrace very nearly the whole of the remaining part of this paper.

In the course of these counter arguments, Carroll thus comments sarcastically on Dulany’s personal position in the pending controversy. “Encomiums on the disinterestedness of officers, and censures of some obnoxious members, in fact of the whole Lower House, come with peculiar propriety and decorum from a man who is an officer, and was particularly levelled at in the spirited and patriotic resolves of that House.” And he adds these wise reflections on the causes and the source of political liberty: “Not a single instance can be selected from our history of a law favorable to liberty obtained from government, but by the unanimous, steady, and spirited conduct of the people. The Great Charter, the several confirmations of it, the Petition of Right, the Bill of Rights, were all the happy effects of *force* and *necessity*.”

In his seventh answer to “Antillon,” commenting on the assertion of the latter that the Governor was not directed by the majority of his Council, “they having no authoritative influence,” Carroll thus apostrophizes the young Maryland Executive. “Oh unsuspecting Eden! How long wilt thou suffer

thymself to be imposed on by this deceiving man?" He objects to the hardship that charges should be levied on the people, "without—nay, against the consent of their representatives," that some officers may enjoy large salaries, with little work. The Secretary's office (that held by "Antillon") Carroll considers a sinecure, "yet he has had the assurance to ask a net income of £600 sterling per annum to support his dignity." On the subject of precedents and their value, the "First Citizen" justly observes:

"The instances mentioned by 'Antillon' of fees settled by Proclamation prove only the actual exercise of an unlawful prerogative. The dangerous use which has so often been made of bad, should caution us against the hasty admission of even good precedents, which should always be measured by the principles of the Constitution, and if found the least at variance, or inconsistent therewith, ought to be speedily abolished."¹

Here follows an apposite quotation from Dickinson's letters of a "Pennsylvania Farmer," with a eulogistic note, from Carroll recommending these papers to his countrymen, as abounding with "judicious observations, pertinent to the present subject, and expressed with the utmost elegance, perspicacity, and strength."

Having replied to "Antillon's" arguments, the "First Citizen" takes up the personal part of "Antillon's" letter, the latter having still insisted that Carroll had "assistants and confederates," and "silly as my productions are," Carroll adds humorously,

¹ *Ibid.*

“he will not allow me the demerit of being single in my folly.” To the accusation that he is influenced in his attacks on “Antillon” by “envy and malice,” the “First Citizen” responds, why should he be accused of malice? Has “Antillon” injured him? The “suspicion implies a consciousness of guilt.” As to the other count in the indictment, Carroll replies proudly: “What should excite my envy? The splendor of your family, your riches, or your talents? I envy you none of these, even your talents upon which you value yourself most, and for which only you are valued by others.”

Carroll’s liberal views find remarkable expression in these sentences, in relation to the English Revolution:

“That the national religion was in danger under James the Second from his bigotry, and despotic temper, the dispensing power assumed by him, and every other part of his conduct clearly evince. The nation had a *right to resist*, and so secure it’s civil and religious liberties. I am as averse to having a religion crammed down people’s throats as a Proclamation. These are my political principles, in which I glory; principles not hastily taken up to serve a turn, but what I have always avowed since I became capable of reflection. I have not the least dislike to the Church of England, though I am not within her pale, nor indeed to any other church; knaves and bigots of all sects and denominations I hate and despise.”¹

The “First Citizen” retorts with manly sarcasm to Dulany’s unworthy insinuation, implied in the

¹ *Ibid.*

words quoted from him: “Papists are distrusted by the laws and laid under disabilities”:

“They cannot, I know (ignorant as I am) enjoy any place of profit or trust, while they continue papists; but do these disabilities extend so far as to preclude them from thinking and writing on matters merely of a political nature? ‘Antillon’ would make a most excellent inquisitor; he has some striking specimens of an arbitrary temper, the first requisite. He will not allow me freedom of thought or speech.”

The last shaft of the “First Citizen” is a retort on Dulany’s declaration that he does not believe him to be “a man of honor or veracity.” To this Carroll replies:

“It gives me singular satisfaction that you do not, for a man destitute of *one*, must be void of the *other* and cannot be a judge of *either*. Your mode of expression, which, in general is clear and precise, in this instance discovers a confusion of ideas, to which you are not often liable; but you have stumbled on a subject of which you have not the least conception. Honor, or veracity? Are they then distinct things? Do you imagine that they can exist separately? No, they are most intimately connected: who wants *veracity* wants *principle, honor*, of course, and resembles ‘Antillon’”¹

Dulany’s attempt to “rekindle extinguished animosities,” or to fan into a flame dormant prejudices against the Roman Catholics, is nobly rebuked by Carroll in the magnanimous sentiment, spoken for

¹ *Ibid.*

himself and his co-religionists, *Meminimus et ignoscimus*—"We remember and forgive."

The "thorough confidence in the patriotic princes of the illustrious house of Brunswick," had given place less than a year later to "fears and jealousies of an unconstitutional influence in the Crown." And in 1774, America was on the eve of a Revolution. The troubles of 1765 were revived by the tax on tea which met with a general resistance throughout the colonies. And the action of the citizens of Boston in December, 1773, in destroying the shiploads of this commodity sent there, which brought upon them the vengeance of the Government, in the passage of the Boston Port Bill, forced matters to a crisis. In Maryland the sentiment against the obnoxious duty was as strong as in any other colony, and when some Scotch merchants of Annapolis braved public feeling by accepting a consignment of tea and actually proposed to land it at the Maryland capital, the indignation and excitement in the small metropolis knew no bounds. The citizens had recently adopted a Non-Importation Agreement pledging themselves neither to import nor to pay duties on tea. Yet Mr. Anthony Stewart, proprietor of the brig *Peggy Stewart*, one of the signers of this paper, unmindful of his pledges, had paid the duties on seventeen packages of tea which were brought from London on his vessel, consigned to a firm of Annapolis merchants, Thomas Charles Williams & Company. The ship arrived on the 15th of October, 1774, and a meeting of the citizens was immediately called to investigate the matter and punish the transgressors.

A committee was appointed to prevent the landing of the forbidden cargo, and another general meeting called for Wednesday the 19th of October, at which the sense of the community would be fully made known, on the course to be pursued. Mr. Stewart hastened to exonerate himself, in a handbill distributed to the citizens. Captain Jackson, who commanded the brig, made an affidavit that he knew nothing of the tea's being on board until just as he was leaving England, when it was too late to return it. Mr. Stewart acknowledged his error in paying the duty, having done it, he explained, to enable the captain to land the fifty-three people who had been three months on shipboard, the vessel moreover being leaky adding to their discomfort.

At the meeting on the 19th, which was largely attended, James and Joseph Williams and Anthony Stewart read their confession and apology, a paper prepared for them by the committee, in which in humble terms they admitted they had been guilty of a "daring insult, an act of the most pernicious tendency to the liberties of America," the Williamses in importing, and Stewart in paying duty on the tea. They asked pardon for their offence and made solemn promises for the future, closing in these words:

"And to show our desire of living in amity with the friends of America, we request this meeting, or as many as may choose to attend, to be present at any place where the people shall appoint, and we will there commit to the flames or otherwise destroy, as the people may choose, the detestable article which has been the cause of this our misconduct."

Anthony Stewart then offered, by the advice, it is said, of Charles Carroll of Carrollton,¹ to burn the brig also, as the destruction of the tea alone would only punish its owners, and Stewart who was regarded as the chief offender would go scot free. And Stewart was assured that only by such a sacrifice could he reinstate himself in public favor. With his own hand, therefore, he fired the vessel, the fair Scotch Peggy, his daughter, for whom the ship was named, sitting on the piazza of her father's house, according to tradition, and watching the work of destruction.

Not long afterwards, at an entertainment given by Lloyd Dulany, who had returned to Maryland and was living in Annapolis, the punch was brewed in a handsome silver bowl the guests had never seen before. Their host explained that it had been brought over in the *Peggy Stewart*, sent to him by a friend in England, and placed by Captain Jackson in his cabin, with his own private property. Charles Carroll of Carrollton was present among the company assembled, and smilingly responded to Dulany's account: "We accept your explanation, provided the bowl is used to draw always this same kind of tea."² This historic bowl is still preserved, one of the relics of the "Ancient City" by the Severn.

Maryland, in the burning of the *Peggy Stewart* and her cargo, here made her own spirited and

¹ McMahon's "History of Maryland," p. 409. Ridgeley's "Annals of Annapolis," p. 162.

² Riley's "History of Annapolis," p. 309.

picturesque protest against the doctrine of taxation without representation, and Charles Carroll of Carrollton is seen to have been a prominent figure on the occasion. Mindful of the value of such an object-lesson to her children, Maryland holds in honor now, among her State holidays, the 19th of October, which has a place in her calendar as “Peggy Stewart’s Day.”

The Continental Congress met in Philadelphia in the fall of 1774, an event of great interest to all Americans. The delegates from Maryland were Matthew Tilghman, Thomas Johnson, Robert Goldsborough, William Paca, and Samuel Chase. Among the visitors who were drawn thither by the spectacle was Charles Carroll of Carrollton.” “This day,” wrote John Adams in his diary for September 14th,

“Mr. Chase introduced to us a Mr. Carroll of Annapolis, a very sensible gentleman, a Roman Catholic, and of the first fortune in America. His income is ten thousand pounds sterling a year now, will be fourteen in two or three years, they say; besides his father has a vast estate which will be his after his father.”¹

On the 25th of May, 1774, there had been a meeting of the citizens of Annapolis to express their sympathy with Boston on the closing of her port by the British authorities, and a committee was then appointed to join with Baltimore and other parts of the Province in forming a Non-

¹ Works of John Adams, vol. ii., p. 380.

Importation Association. The first Maryland Convention, which met in June, appointed delegates to the Continental Congress. And in October, as has been seen, the “Peggy Stewart” incident had been the outcome of the violation of the Association pledges. Charles Carroll of Carrollton, who had no doubt been present at the town meeting of May 25th, and was conspicuous in the October affair, was also prominent at a large assemblage of the inhabitants of Anne Arundel County and the city of Annapolis, which met at the latter place, November 9th, 1774. Forty-four persons were there named a Committee for the County and City, to carry into execution the resolves of Congress against imports and exports. Charles Carroll of Carrollton was appointed one of this committee, and any seven of them had power to act for the whole.

He was also named, with six other gentlemen, a member of the Committee of Correspondence for the county and city, and was associated here with Samuel Chase, William Paca, and Thomas Johnson. It was then resolved, “that the gentlemen appointed to represent the county and city in the late Provincial Convention, together with Charles Carroll of Carrollton, ought to attend the next provincial meeting on the 20th instant, and have full power to represent the county and city.”¹ Sweeping aside the outworn and invidious limitations that had hitherto prevented Charles Carroll

¹ Riley’s “History of Annapolis,” p. 170.

as a “Papist” from holding a seat in the Assembly, his fellow citizens now forced their champion and favorite to the front, to begin his many years of conscientious and conspicuous service in their behalf.

The Convention met November 21st, remaining in session until the 25th. The Maryland delegates to the Congress submitted the proceedings of that body to the Convention, and the latter pledged its faith afresh to carry out the resolutions of the Confederate Colonies. As the counties were not all represented, the Convention adjourned to meet again the 8th of December. Its numbers had been augmented from fifty-seven to eighty-five deputies, when it was called together in December; and at this time it passed those spirited and caustic resolves on the subject of arming the militia, which were in a part of their phraseology copied by some of the Virginia patriots, and re-echoed by Patrick Henry in the Virginia Convention.¹

Meeting again in December, the Convention appointed a Provincial Committee of Correspondence, and Charles Carroll of Carrollton was made a member of it. The six others on the committee were Charles Carroll, barrister, Matthew Tilghman, John Hall, Samuel Chase, Thomas Johnson, and William Paca. The last five named were appointed delegates to Congress for the coming year, Robert Goldsborough was reappointed, and Thomas Stone was added to the delegation. The Convention met

¹ Journal of the Convention; Maryland Archives, i., 1254.

next time in April, 1775, one hundred members answering to the roll-call. While declaring their unaltered allegiance to George III., the Marylanders renewed, on this occasion, their provisions for the regulation of the militia, and the news of the battle of Lexington, received in letters from the North, warned them that the Revolution had reached the stage of armed resistance.¹

In the meantime the Anne Arundel County Committee of Observation was busy keeping the town and county faithful to the prohibitions of Congress and Convention. On the 28th of June, seven of the Committee, with Charles Carroll of Carrollton presiding, met to consider the case of a certain Captain Henzell of the ship *Adventure*, who had arrived at Annapolis with a cargo of porter, cheese, and coal, and seventy passengers, including servants. Captain Henzell testified that he had intended to stop at Madeira, and sell his goods there, but had been prevented by unfavorable winds. The Committee refused to allow him to land his merchandise, but permitted him to put his passengers ashore.²

At the session of the Maryland Convention, beginning July 26th and ending August 14th, 1775, there were present a hundred and forty-one members, Anne Arundel County sending nine delegates, both Charles Carroll, barrister, and Charles Carroll of Carrollton being among the number. The first act of this Convention was to adopt the "Association

¹ Journal of Maryland Convention.

² Riley's "History of Annapolis," p. 176.

of the Freemen of Maryland,” which was to be signed by all the members, and by the freemen of the province generally. This paper, which recited the wrongs of the colonies, and approved “of the opposition by arms to the British troops employed to force obedience to the late acts of Parliament,” pledged the Association to support an armed resistance to Great Britain in the present crisis, as well as the measures restraining commerce with the mother country which Congress had adopted. The declaration of the Associators then became the charter of the colony, until supplanted by the Constitution of 1776. It sketched a military system, one feature of which was the enlistment of forty companies of minutemen; it put the executive power, during the recess of the Convention, into the hands of a Committee of Safety; and it provided for the expenses of the Province by the issue of paper money.¹

On Thursday, the 27th of July, a committee was appointed consisting of nine of the most prominent members of the Convention, the two Carrolls being among them, to “consider the ways and means to put this province into the best state of defence.” The Committee of Safety, appointed on the last day of the session, consisted of eight members from the Eastern, and eight from the Western Shore. These last were Daniel of St. Thomas Jenifer, Thomas Johnson, William Paca, Charles Carroll, barrister, Thomas Stone, Samuel Chase,

¹ Journal of the Convention. The original manuscript of the “Association of the Freedmen of Maryland” (a part of it is missing) is preserved under a glass case at the State House, Annapolis.

Robert Alexander, and Charles Carroll of Carrollton.¹

Charles Carroll Sr. writes to his son, presumably from “Doughoregan Manor,” August 4th, giving a few items of public interest, showing on what subject men’s thoughts were bent: “I have a letter of this day from Mr. Lux. He says 400 barrels of gunpowder are come to Philadelphia, 800 do. to New York. The saltpetre work at Philadelphia goes on well; they expect to have 30 tons ready by January.”²

The citizens of Anne Arundel County and the City of Annapolis met on the 12th of September, 1775, with Charles Carroll, barrister, in the chair, and a Committee of Observation for the town and county was appointed for one year, consisting of thirty persons, of whom Charles Carroll of Carrollton was one. He was also elected one of the deputies to represent the county in the Convention for one year; and with six others he was to be of a committee to license suits in the county, for the same period. His name comes first on the Committee of Correspondence appointed for the county, for the ensuing twelve months.³

It will be seen that Charles Carroll’s work, as mapped out for him at this time, called for a full surrender of his talents and energies, as a member of the Provincial Convention, and Provincial Council of Safety, and of three important committees in

¹ Journal of the Convention, Archives of Maryland, vol xi.

² Wisconsin Historical Society.

³ Riley’s “History of Annapolis,” p. 176.

his own county. The Council of Safety was in session, at intervals, from August 29th to November 29th, 1775. They took into consideration proposals for erecting a powder mill, salt and saltpetre works, and for the manufacturing of arms. On one day they contracted for 650 "musquets" to be made in "Frederick Town," and 500 in "Baltimore Town." Then there were cartouche boxes, bayonets, and other paraphernalia of war to be procured for the Maryland soldiery. A letter from Charles Carroll of Carrollton to Daniel of St. Thomas Jenifer then in Baltimore, of the 10th of September, shows him sharing the responsibility with William Paca of sending, on their own authority, powder to the frontier, where the inhabitants were in alarm at the approach of the Indians. Of the necessity of this informal action he writes:

"I am sensible this manner of proceeding is not quite regular, but it would be a great loss of time to call together the Council of Safety, and if we should agree separately to what we should agree if collected together, the difference is not material; at this critical juncture, and as the exigency seems pressing, we must not stand too much in form."¹

The following letter from Charles Carroll of Carrollton to General Washington, who had been in command of the Continental Army since the 15th of June, was written to introduce "Mr. Key." This

¹ Maryland Archives, vol. xi., "Journal and Correspondence of the Council of Safety."

gentleman was probably John Ross Key of Frederick County, a nephew of Edmund Key, and a lieutenant of a Maryland Rifle Company which went to Boston in this year. He was the father of Francis Scott Key.

ANNAPOLIS, 26th September, 1775.

SIR,

At the request of the bearer Mr. Key, I have presumed to trouble you with this letter, to introduce to your notice and countenance, that young gentleman, who, I flatter myself will endeavour to deserve your good opinion and favor. Should hostilities be suspended, and a negotiation take place this winter, I hope to have the pleasure of seeing you in this city on your way to Virginia. If a treaty is but once set on foot, I think it must terminate in a lasting and happy peace; an event, I am persuaded, you must earnestly desire, as every good citizen must, in which number you rank foremost; for who so justly deserving of that most glorious of all titles, as the man singled out by the unanimous voice of his country, for his love and attachment to it, and great abilities, and placed in a station of the most exalted and dangerous prominence. If we cannot obtain a peace on safe and just terms, my next wish is, that you may extort by force from our enemies what their policy and justice should have granted, and that you may long live to enjoy the fame of the best—the noblest deed—the defending and securing the liberties of your country.

I am with the greatest esteem Sir,

Your most obedient, humble servant,

CHARLES CARROLL OF CARROLLTON.

P.S. I desire my most respectful compliments to Generals Lee and Gates. I should have done myself

the pleasure of writing to the former by this opportunity, but that I know he has other things to do than to read letters of mere compliment—this city affords nothing new.¹

¹ MS: Letter, Dr. Robert A. Emmet. This letter was taken by Jared Sparks from the Washington MSS., and given by him to someone in England. See facsimile in the *Magazine of American History*, vol. xxii, p. 353.

CHAPTER V.

THE MISSION TO CANADA.

1775–1776.

THE Council of Safety met at Chester Town in Kent County, on the 20th of October, 1775, and Charles Carroll of Carrollton was among the ten members present. Samuel Chase wrote to the Council the 1st of November, transmitting papers from Congress, and copies of them were to be sent to the Committee of Observation in each county. The Convention met again, Thursday, December 7th. The Anne Arundel County delegates were Charles Carroll, barrister, Thomas Johnson, Samuel Chase, and Charles Carroll of Carrollton. On the 13th a committee of five was appointed, with Charles Carroll of Carrollton as its chairman, “to devise ways and means to promote the manufacture of saltpetre.” A report from this committee was brought in on the 26th, elaborating a plan for a saltpetre manufactory in every county, and one general refinery where all the saltpetre could be taken to be purified, while a powder mill was to be

erected in which the saltpetre was to be made into gunpowder.

The Convention, on the 1st of January, 1776, reported resolutions to put the province in a state of defence. Of the force of over one thousand four hundred men which was to be raised, eight companies were to be formed into a battalion, and the rest were to remain in companies of one hundred each. Two committees were appointed, one intrusted with the raising, clothing and victualling the forces, and the other charged with the work of formulating the rules for their government. Charles Carroll of Carrollton was one of the five appointed on the last named committee. On the 5th of January, the committee which had been named, December 29th, to prepare instructions for the delegates in Congress brought in their report. As it was finally passed on the 11th of January the report instructed the Maryland delegates "to disavow, in the most solemn manner, all design in the colonies of independence." It is known that Charles Carroll of Carrollton strongly opposed the position here taken by Maryland, and that he advocated in the Convention the "design of independence."¹

With the report for the emission of bills of credit, and that for the regulation and government of the forces, the latter a document consisting of sixty-five articles, the Convention closed its proceedings.²

The Council of Safety met January 18th, the day the Convention adjourned. A resolution of Congress

¹ Sanderson's "Biography of the Signers," vol. vii., p. 252.

² Journal of the Maryland Convention.

was read, recommending the selection of suitable persons in each colony, to collect all the gold and silver coin to be found, to supply the financial needs of the government in the Canada campaign, and Charles Carroll of Carrollton was one of those selected for Anne Arundel County.¹ The correspondence of the Council in the early spring of 1776 gives evidence of the alarm felt in Annapolis and Baltimore, at the appearance of the British man-of-war, the *Otter*, with her tenders, in the waters of the Chesapeake. Charles Carroll of Carrollton wrote from Baltimore to Col. Thomas Dorsey of the Elk Ridge Militia March 8th:

“Sir: I left the Council of Safety yesterday in the afternoon, after the man-of-war and her tenders had passed the mouth of our river. If any place is in danger of an immediate attack, I think it will be the town of Baltimore; and on talking with their Committee of Observation, I find they have men enough, but they are very badly armed. I think, therefore, it will be proper that you march your battalion, or all the companies of men in it that have serviceable arms, with all expedition to this town, unless you have express directions from the Council of Safety to go with your battalion to some other place. They will confirm this order of mine.”

But on Saturday, March 10th, at midnight, a letter went from the Council to Barrister Carroll of the Baltimore Committee of Observation, reporting the *Otter* to have appeared off Annapolis that day.

¹ Maryland Archives, vol. xi., “Journal and Correspondence of the Council of Safety,” p. 132.

The Chairman of the Baltimore Committee, Samuel Purviance, wrote to Charles Carroll of Carrollton, who was again in Annapolis, early on the morning of this same day, stating that he had been roused at one o'clock, by a letter which was to be dispatched to Captain Nicholson of the *Defence*, who he thinks "is very capable" of taking the British vessel. The *Otter*, however, got off, down the bay, with her tenders and four prizes.¹ At a meeting of the Council on the 14 of March, it was ordered that the Treasurer of the Western Shore pay to Daniel of St. Thomas Jenifer £120 currency for so much in specie by him paid to Charles Carroll of Carrollton.² This was doubtless the coin collected in Anne Arundel County for the Canada operations.

Charles Carroll of Carrollton had written to Robert Carter of Virginia in February, on the subject of erecting iron mills for the province, on part of the property of the Baltimore Company. The three members of the Company, Charles Carroll of Carrollton, Charles Carroll, barrister, and Daniel Dulany ("Antillon"), had consented to the contract, and Carter was asked for his signature. His reply is as follows:

March 16, 1776.

SIR:

Your letter of the 22nd day of last month, February, came to hand yesterday only, it being enclosed in one signed by William Whitecroft. The letters advise that the active gentlemen of the Province of Maryland are of

¹ *Ibid.*

² *Ibid.*

opinion that mills for flatting and slitting iron should be erected in that Province, immediately, that yourself, C. Carroll, Barrister, and Daniel Dulany, Esqrs., of the first part, Mr. William Whitcroft on the second part, have had under consideration the following scheme—viz:

The Baltimore Company to lease to William Whircroft the old Forge and 20 acres of land adjoining thereto, and 20 acres of woodland, for the term of 21 years. W.W. to erect on the premises two mills, one thereof for flatting iron, the other for slitting iron, he to pay £20 Maryland currency yearly rent during said term, and furthermore, that all the improvements are to be left in good tenantable repair, they to be the property of our company, at the expiration of said lease without paying any compensation for them.

As it is now thought expedient in your province to erect such mills as mentioned before, and as Mr. W.W. has chosen a situation, belonging to our Company for said works, I apprehend clearly that that situation should not be withheld from the public, and do most heartily concur with those three gentlemen of our Company mentioned before, relative to leasing the Old Forge to W.W., and pray, Sir, write my name to the lease, which the Baltimore Company may execute to W.W.

I am, sir, yours etc.,

ROBERT CARTER.

To CHARLES CARROLL, Esq:
of Carrollton.¹

Charles Carroll was now to come forward more prominently before the general public, as one of the agents designated by the Continental Congress to

¹ Carter Letter Books.

represent the Colonies in Canada. A commission of three had been named by Congress in February, to visit Canada in its behalf. Benjamin Franklin, then over seventy years old, Samuel Chase, and Charles Carroll of Carrollton were the persons chosen.

John Adams in a letter to a friend, February 18, 1776, telling of the committee says:

“The characters of the two first you know. The last is not a member of Congress, but a gentleman of independent fortune, perhaps the largest in America—a hundred and fifty or two hundred thousand pounds sterling; educated in some University in France, though a native of America; of great abilities and learning, complete master of the French language, and a professor of the Roman Catholic religion; yet a warm, a firm, a zealous supporter of the rights of America, in whose cause he has hazarded his all.”¹

This selection of Carroll, who was not then in Congress, was a merited compliment to the distinguished Marylander, and doubtless was suggested by his fellow townsman Chase who had been associated with him in provincial politics, and knew his worth and sterling patriotism. But there were two reasons why Charles Carroll of Carrollton should have been specially selected for this mission; his religion, which was that of a large majority of the population of the province of Quebec, where there were about 150,000 Roman Catholics and only 360

¹ Hayden's "Charles Carroll of Carrollton," p. 6. *American Archives*, iv., 1183.

members of the Church of England; and his familiarity, from his long residence abroad, with the French language, the native tongue of these Canadian Roman Catholics. The Rev. John Carroll was requested to accompany the party, to use his influence with the priests, in securing their neutrality in the contest between the colonies and Great Britain. The object of the commission was “to promote or form a union” between the Colonies and Canada.

American military operations, after the successes at Ticonderoga and Crown Point, had not been progressing favorably, and it was hoped a little diplomacy would put matters right, assure Canada that it was to her interest to join the Americans, who were fighting Canada’s enemy in fighting Great Britain, and were ready to welcome with open arms the Northern province into their confederacy. Unfortunately, indiscreet politico-religious utterances of Congress had offended the French Canadians and rendered them distrustful of their new friends, while the exactions of the Continental soldiery, who with an insufficient commissariat and no money, were forced to forage on the natives for subsistence, widened the breach. In truth, Canada, so lately won from the French, and substantially a French community, had by the Quebec Bill of 1774 been given all that she could desire in the way of civil and religious liberty, and was without the grievances under which the thirteen Colonies were chafing. The interests of the French Canadians had been preferred over those of the British American, the colonists thought, and the Quebec Bill, as injurious in its effects on the

Colonies, was one of their acts of indictment against the English Crown.

Under these circumstances, the Canadian Commission had a difficult and delicate task before them. The journal of Charles Carroll of Carrollton, which gives in outline the details of the expedition, has been preserved; while the correspondence of the Commissioners with Congress, and with the generals operating in Canada, Thomas, Schuyler, Arnold, Thompson, and Wooster, picture the deplorable condition of the American troops, and convey a vivid impression of the annoyances and perplexities which confronted the Commissioners, and of the patience and tact required to surmount them. Arnold, who since the fall of General Montgomery in the assault on Quebec in December, had been keeping his ground with a small, undisciplined and ill-fed force, was superseded early in April by his ranking officer General Wooster, who, weak and incompetent, had remained in masterly inactivity at Montreal all the winter. And now he assumed to conduct the difficult siege of Quebec while Arnold took his place at Montreal where there was no enemy to contend with. It was at this juncture that the Commissioners were sent out to meet at least a partial need—where troops, “hard cash,” and wise counsels were all in demand.

Following Charles Carroll in his itinerary we find he left New York with the rest of the party on a sloop the afternoon of April the 2d to take his leisurely way to Albany. The weather was bad and rainy the next day, and they had a storm that night.

On the 4th, says the journalist “just before we doubled Cape Saint Anthony’s Nose, Mr. Chase and I landed to examine a beautiful fall of water. Mr. Chase very apprehensive of the leg of mutton being boiled too much, impatient to get on board; wind breezing up, we had near a mile to row to overtake the vessel.” The beautiful scenery of the Hudson is described as they sail along; they had passed “opposite to Colonel Philip’s, (a tory,)” on the 3rd. With Mr. Chase, Charles Carroll goes on shore to examine Constitution Fort, and from there they write a letter to General Heath at New York to tell him of the defenseless condition in which they find the fort. They have “a most glorious run” on the 6th and pass several country houses. Charles Carroll writes: “Vast tracts of land on each side of Hudson’s River are held by the proprietaries or as they are here styled the ‘*Patrones*’ of Manors. One of the Ransalaers has a grant of 20 miles on each side of the river. Mr. Robert R. Livingston informed me that he held three hundred thousand acres.”

They landed at Albany early on the morning of the 7th and were met by General Schuyler, “who, understanding we were coming up, came from his house, about a mile out of town, to receive us, and invite us to dine with him; he behaved with great civility; lives in pretty style, has two daughters (Betsey and Peggy,) lively, agreeable black eyed girls.” Carroll finds more houses in Albany than in Annapolis, and the people chiefly speak Dutch. They leave Albany early on the morning of the 9th and pursue their journey in a wagon, in company

with General and Mrs. Schuyler and their two daughters, and General Thomas. Charles Carroll leaves the wagon and with the two generals goes on horseback to see the falls of the Mohawk, about six miles from Albany. That evening they arrive a little before sunset at General Schuyler's country-seat, Saratoga, thirty-two miles from Albany. Bad roads and delays at the ferries, account for their slow progress. But the occasion is utilized by the observant and intelligent traveller, and he discourses with General Schuyler on the plan for "uninterrupted water-carriage between New York and Quebec"; the manner in which the great proprietaries of New York lease their lands, etc., and he is interested at Saratoga in the general's mills, one of which is on a new plan, of which he requests a model. "General Schuyler," he writes, "is a man of good understanding, improved by reflection and study; he is of a very active turn, and fond of husbandry; and when the present distractions are composed, if his infirm state of health will permit him, will make Saratoga a most beautiful and most valuable estate."

On the 11th the two generals left for Lake George, and the Commissioners set off from Saratoga on the 16th. The snow was six inches deep on the ground the day before. "I parted with regret," says Carroll, "from the amiable family of General Schuyler; the ease and affability with which we were treated, and the lively behavior of the young ladies, made Saratoga a most pleasing *sejour*, the remembrance of which will long remain with me." Partly by land and partly by water, our travellers

pursue their way, breakfasting with Colonel Allen at Fort Edward on the 17th. But hardly had they gone a mile from the fort when a messenger meets them, sent by General Schuyler to say that Lake George is not open. However, they reach Fort George on the 18th, and embark from there the next day, in company with General Schuyler. They drink tea on shore in Montcalm's Bay, land again at nightfall and build fires, but they have trouble in getting the boats through the ice, and after various attempts and delays, succeed in reaching the landing-place at the south end of Lake George.

Carroll writes April 21st: "I took a walk this evening to the sawmill which is built on the principal fall of the river flowing from Lake George into Lake Champlain... A little to the northwestward of the saw-mill, on the west side of the river I visited the spot where Lord Howe was killed." Charles Carroll rides with General Schuyler over to Ticonderoga the next day, and views the works left there by the French in the last war. They remained all of the 23d at the landing-place, waiting for the boats to be made ready that were to take them through Lake Champlain. General Schuyler and his troops were busy getting the bateaux, cannon, etc., carted to the saw-mill to be embarked on Lake Champlain for their destination at St. Johns. Leaving the landing-place at Lake George on the 24th, they go by water to Ticonderoga, where they wait an hour to take in provisions, and reach Crown Point that afternoon, "with

the help of our oars only.” They slept that night at a farmer’s house in the neighborhood, leaving at five A.M. and breakfasting in a small cove near the Split Rock, while they dine on cold provisions at a house on shore, where they put in to avoid a gale of wind. Again taking to the boat, they are rowed seven miles down the lake to a point of land, not far from the islands called the Four Brothers.

“Mr. Chase and I slept this night on shore, under a tent made of bushes,” the journalist records. This place Carroll calls “Commissioner’s Point.” So they continue their picturesque journey, which to the younger men, Chase and Charles Carroll of Carrollton, had no unwelcome flavor, doubtless, of novelty and adventure. At one time they land and breakfast “on tea and good biscuit.” Then the rowing begins again, until they come to the island of La Motte. “We lay under this shore all night in a critical situation, for had the wind blown hard in the night, from the West, our boats would probably have been stove against the rocks. We passed the night on board the boats, under the awning which had been fitted up for us.” They slept in the four beds they had brought with them from Philadelphia, and unless they had been thus provident they would have been forced on this voyage to lie on the bare ground or on planks. They breakfast on shore, at a tavern, the morning of the 27th and despatch a messenger to Montreal for carriages for themselves and their luggage. They stay the next day at Colonel Hazen’s house and watch the bateaux of troops which arrive here

from Ticonderoga and go down the river to Chamblay. The next morning they leave Colonel Hazen's and cross over to St. Johns where carriages and carts meet them, and they set off for La Prairie, eighteen miles distant; never had they seen worse roads or worse conveyances. "From *La Prairie*," says the journal, "you go slanting down the river to Montreal," a passage of six miles. "The river where we crossed is filled with rocks and shoals, which occasion a very rapid current in some places." The arrival at Montreal is thus described:

"We were received by General Arnold on our landing, in the most polite and friendly manner; conducted to headquarters, where a genteel company of ladies and gentlemen had assembled to welcome our arrival. As we went from the landing place to the general's house, the cannon of the citadel fired in compliment to us as the Commissioners of Congress. We supped at that general's, and after supper were conducted by the general and other gentlemen to our lodgings, the house of Mr. Thomas Walker, the best built, and perhaps the best furnished in this town."¹

On the 1st of May the Rev. John Carroll wrote home to his mother an interesting account of the journey, and of their reception at Montreal. "When we came to New York," he says, "it was no more the gay, polite place it used to be esteemed, but it was become almost a desert, unless for the troops." Of the passage of three days and a half on Lake

¹ Appendix B.

Champlain, he writes: "We always came to in the night time. Passengers generally encamp in the woods, making a covering of the boughs of trees, and large fires at their feet; but as we had a good awning to our boat, and had brought with us good beds and plenty of bed clothes, I chose to sleep aboard." Mr. Carroll tells of the greeting given them "by General Arnold and a great body of officers, gentry, etc.," and he adds:

"Being conducted to the General's house, we were served with a glass of wine, while people were crowding in to pay compliments; which ceremony being over, we were shown into another apartment, and unexpectedly met in it a large number of ladies, most of them French. After drinking tea and sitting some time, we went to an elegant supper, which was followed with the singing of the ladies, which proved very agreeable, and would have been more so if we had not been so much fatigued with our journey. The next day was spent in receiving visits and dining in a large company, with whom we were pressed to sup, but excused ourselves in order to write letters, of which this is one, and will be finished and dated tomorrow morning."¹

The first letter of the Commissioners to the President of Congress, of the same date as the foregoing, makes mention of some of the difficulties that met them at the outset, the want of specie, the need of more troops and the poorly paid condition of those in Canada, who were also suffering from smallpox. They write:

¹ American Archives, v., 1668; Brent's "Life of Archbishop Carroll," p. 40; "Life and Times of Archbishop Carroll," p. 149.

“It is impossible to give you a just idea of the lowness of the Continental credit here, from the want of hard money, and the prejudice it is to our affairs. The express we sent from St. John’s to inform the General of our arrival there, and to request carriages for *La Prairie*, was stopped at the ferry till a friend passing changed a dollar bill for him into silver, and we are obliged to that friend (Mr. McCartney,) [McCarty?], for his engagement to pay the calashes, or they would not have come for us. The general apprehension that we shall be driven out of the Province as soon as the King’s troops can arrive, concurs with the frequent breaches of promise the inhabitants have experienced, in determining them to trust our people no further.... Therefore till the arrival of money, it seems improper to propose the Federal Union of this Province with the others, as the few friends we have will scarce venture to exert themselves in promoting it, till they see our credit recovered, and a sufficient army arrived to secure the possession of the country.”¹

The Commissioners were clothed with ample powers; to supervise the military operations in Canada, to compose disputes, and to administer discipline, suspending any officers, if deemed necessary, until the pleasure of Congress should be known. They were to negotiate with the Indians, and encourage the Indian trade, and they were to sit and vote in councils of war. The day after their arrival, March 30th, a council of war was held, the minutes of which they send to the President of Congress. It was there proposed to fortify the important post

¹ American Archives, v., p. 1166.

of Jacques Cartier between Montreal and Quebec; and to build six gondolas to carry heavy cannon, at Chamblay, of which place General Arnold was to have command. In the meantime the Commissioners directed the opening of the Indian trade, and they asked for £ 20,000 in specie from Congress to pay the debts then owing, and to form a fund for a bank they proposed to open for exchanging Continental bills.¹ They wrote to Congress again on the 6th of May, reiterating the urgent need for “hard money” to buy flour and other necessaries for the troops: “The want of money frequently constrains the commanders to have recourse to violence in providing the army with carriages, and other conveniences, which indispose and irritate the minds of the people. We have reason to conclude that the change of sentiments, which we understand has taken place in this colony, is owing to the above-mentioned cause, and to other arbitrary proceedings.” They advise if this specie cannot be sent, that the Americans should evacuate Canada, and fortify the passes on the Lakes, to prevent the enemy from invading the Northern colonies. The Commissioners also report that they had had an interview at Fort George with deputies from the seven Indian tribes of Canada, and since their arrival in Montreal had conferred again with these same deputies, receiving their promise of neutrality in the present contest, for which assurance a small present was made them, and a larger present is to seal the compact, “when the hatchet is delivered up.”² Another

¹ *Ibid.*

² *Ibid.*, p. 1214.

letter went from the Commissioners to Congress on the 8th, with the same burden as the former ones. It had been expected by their friends in Canada that they would bring a supply of specie, whereas they had only been furnished with enough for their own expenses. The disappointment was great, and led to the opinion that none was to be had. The purses of those in sympathy with the Americans were drained dry, and the Tories would not trust them a farthing.

“Our enemies take the advantage of this distress to make us look contemptible in the eyes of the Canadians, who have been provoked by the violences of our military, in exacting provisions and services from them without pay, a conduct towards a people who suffered us to enter their country as friends, that the most urgent necessity can scarce excuse, since it has contributed much to the changing their good disposition towards us into enmity, and makes them wish our departure; and accordingly we have daily intimations of plots hatching and insurrections for expelling us on the first news of the arrival of the British army. You will see from hence that your Commissioners themselves are in a critical and most irksome situation, pestered hourly with demands great and small, that they cannot answer, in a place where our cause has a majority of enemies, the garrison weak, and a greater would, without money, increase our difficulties.”

With a supply of money, the sinews of war, and a little success, the Commissioners think “it may be possible to regain the affections of the people, to attach them firmly to our cause and induce them to accept a free government, perhaps to enter into the Union.”¹

¹ *Ibid.*, p. 1237.

The threatened disasters were already at hand. Instead of a "little success," there came a decided reverse. General Thomas, who had been in command at Quebec since the 1st of May, and who had but a thousand men fit for duty, and only six days' provisions, was about to remove his artillery and stores up the river, when news came of the approach of British war ships, five of them appearing in sight on the morning of the 6th. The enemy landed a thousand men and six cannon, and attacked a force of two hundred and fifty Americans, the outposts of the garrison, who with one field-piece made but a short stand against such odds. The order for retreat was given, and the retreat became a rout, all the cannon falling into the enemy's hands, with smallarms, and two hundred of the sick in the deserted camp. Retreating towards Montreal, the discomfited command stopped first at Point Deschambault where General Thomas wrote a letter to the Commissioners on the 7th telling of the disaster.¹

Early on the morning of the 10th the Commissioners received the news by word of mouth from Colonel Campbell, an officer of Thomas's army, and they wrote immediately to Congress and to General Schuyler. The latter was requested to send the supplies that were expected from Ticonderoga as speedily as possible to the troops in Canada; and those who had left Quebec were to make a stand at the mouth of the Sorel, on the St. Lawrence not far from Montreal.² General Schuyler had written to Franklin on the 2d. To Congress the Commissioners

¹ American Archives, vi., p. 451.

² *Ibid.*, p. 449.

wrote the same deplorable story. General Arnold was to go down to the Sorel that day to confer with General Thomas on the situation. "We are afraid," say the Commissioners, "it will not be in our power to render our country any further services in this colony."¹

It was felt that the chief object of the Commission had certainly proved a failure, the effort to enlist the Canadians in the American cause, and there only remained the duty of looking after the wants of the troops. Doctor Franklin, whose age and infirmities made the hardships of the expedition sensibly felt by him, therefore resolved to return to Philadelphia with the Rev. John Carroll, and he left Montreal on the 11th, Mr. Carroll joining him on the following day. The other Commissioners in pursuit of the work now consigned to their sole charge, repaired at the same time to La Prairie.² Chase and Charles Carroll of Carrollton wrote from Montreal the evening of the 11th to Franklin and they also wrote to General Schuyler. To the latter they say:

"After the arrival of the brigade 'under General Thompson, we compute there will be about five thousand troops in Canada. We understand this brigade brings only ten days' provisions with them.... General Arnold leaves us this afternoon to go down to Deschambault, we cannot flatter ourselves with the keeping possession of that post... We are unable to express our apprehensions of the distress our army must soon be reduced to from the want of provisions, and the small-pox

¹ *Ibid.*, p. 449.

² Appendix B.

If further reinforcements are sent without pork to victual the whole army, our soldiers must perish, or feed on each other. Even plunder, the last resource of strong necessity, will not relieve their wants.... You will be pleased to communicate the present situation of affairs, and forward the enclosed papers to Congress.”¹

After arriving at La Prairie on the 12th, the two Commissioners wrote the following letter to General Thomas:

To Maj. General THOMAS.

LA PRAIRIE, May 12, 1776. 6 o’clk. P.M.

DEAR SIR: We are informed by Mr. Price that there is not water enough in Lake St. Pierre for a frigate to pass over with the guns and stores; he says that there is not even at this season of the year when the water is highest, more than fourteen and fifteen feet in the channel, which is very narrow. If this representation be just, our gondola ships, ere now at the mouth of the Sorrell may, perhaps prevent the enemies ships of war from coming higher up the river St. Lawrence than Lake St. Pierre. Fresh provisions and flour Mr. Price says may be had for specie, if authority should be exercised over those who having such provisions should refuse to part with them on the tender of a reasonable price in hard money. Mr. Price is also firmly of opinion that provisions of the aforesaid sort may be had in the country above the Sorrell sufficient to support an army of fifteen thousand men about six months.

You sir, are the best judge whether a stand may be made at the Sorrell and must certainly be well informed of the quantity of gunpowder we now have in Canada. If our military stores are adequate for the defense of the

¹ American Archives, vi., p. 481.

part of the country above the Sorel, and our forces should be judged capable of opposing the enemy, of whose numbers we hope you are by this time pretty well informed, we are clearly of the opinion that the present difficulty arising from the want of provisions may be surmounted by the specie now in the hands of Mr. Price, or by using force if a reasonable price should be refused. We think force regulated by proper authority not only justifiable in this case, but that it will prevent the horrors arising from the licentiousness of a starving and, of course, an uncontrollable soldiery.

It has been suggested to us by Mr. Price, that if we abandon Montreal and that side of the river from Berthier upwards, that it will be extremely difficult to keep possession of the country adjacent to the Sorel and between that river and the St. Lawrence even if we should [obtain ?] ten thousand men to defend it. Mr. Price commends the little river Berthier as the properest post to be taken on the north side of the St. Lawrence to prevent the enemy from coming on that side. The above intelligence and observations appear to us so material that we have thought it advisable to send off an express with this letter, to which we request your answer as soon as possible.

We are with great respect

Dear Sir

Your most obedient humble servants

SAMUEL CHASE,

CHARLES CARROLL OF CARROLLTON.

P. S. The depth of water in Lake St. Pierre may be ascertained by sounding.¹

¹ MS: Letter, Dr. Thomas Addis Emmet, New York.

From the day of his arrival, the 29th of April, to May 11th, there had been no entry in Charles Carroll's journal. His time had been too fully occupied, doubtless, with the labors of his office and his correspondence. But he had now leisure for a little military expedition, of which he gives some account. He writes on the 13th: "I went to St. John's to examine into the state of that garrison, and of the batteaux. There I met with General Thompson and Colonel Sinclair, with part of Thompson's brigade. That evening I went with them, down the Sorel to Chamblay."¹ He describes Chamblay fort which had been taken from the British, and the capture of which had occasioned the taking of St. Johns. He writes on the 14th of his return to Montreal by La Prairie, and looking with a farmer's eye on the fertile land over which he passes, he tells of the large exports of wheat from the Sorel district, "the best part of Canada."

General Thomas wrote to the Commissioners from the "Three Rivers" on the 15th. Chase and Carroll write letters on the 14th and 17th to Congress, and to General Schuyler. They recommend Major Du bois to Congress for promotion. They enclose to General Schuyler letters from Arnold with "the latest intelligence" they had received from below, and they add:

"General Thompson and Colonel St. Clair sailed from this place yesterday for the mouth of the Sorel, which place we hope they reached last night. They intended to proceed to Deschambault immediately.... We

¹ Appendix B.

have been alarmed this morning with the approach of some Indians and soldiers from Detroit and the upper garrisons with a design to attack our post at the Cedars. We have detached one hundred and fifty men, commanded by Major Sherburne, to reinforce that garrison, already consisting of three hundred effective men.... For God's sake send pork and powder. You know we lost twenty barrels of the powder which lately came over the Lakes."¹

The letter of the 17th to General Schuyler gives news just received, as to the condition of the British garrison at Quebec and the movements of the Americans. The latter had left Jacques Cartier and Deschambault, General Thomas was at Three Rivers with about a thousand men, and the Commissioners say of themselves:

“At present we procure a little fresh provisions. We intend to proceed to the mouth of the Sorel, where our army is collected. We have no fixed abode, being obliged to follow your example and become generals, commissaries, justices of the peace, in short to act in twenty different capacities. Things are in great confusion, but out of confusion we hope order will arise.”

They make known their several wants: ammunition, powder, pork, a gondola built to carry a 24-pounder, etc., and they add: “Pray send back the batteaux in which Doctor Franklin and Mr. Carroll returned, and remember us most affectionately to them.”²

“Dr. Franklin who left this place the 11th instant”

¹ American Archives, iv., 578.

² *Ibid.*, p. 586.

(write the Commissioners to Congress on the 17th) “will give you the fullest information of the state of our affairs in this Province. We are sorry to say they have not mended since the Doctor’s departure.” The letter proceeds to furnish some details of the confusion and disorder; the troops living from hand to mouth; the three months’ men going home; the need of contractors and commissaries. “Your Generals,” they say, “are now obliged to be contractors and commissaries, and your Commissioners, who have neither abilities nor inclination, are constrained to act as Generals.” They go on to give instances of the want of proper discipline among both officers and men.

“The importance of this Colony will be made known to you by Doctor Franklin.... The Indian trade is an object already sufficient to engage the attention of the Colonies, and growing yearly of more importance. The inclinations of the common people are said to be in general with us, but they are timorous and unsteady; no assistance can be expected from them unless they find themselves supported by an army able to cope with the English forces.”

The Commissioners excuse themselves for exceeding their powers by appointing Mr. William McCarty Deputy Quartermaster-General, as the public good requires it. And they add in conclusion:

“In the present situation of our affairs it will not be possible for us to carry into execution the great object of our instructions, as the possession of this country

must finally be decided by the sword. We think our stay here no longer of service to the public. We are willing, however, to sacrifice our time, labor, and even our lives, for the good of our country; and we wait with impatience the further orders of Congress.”¹

General Arnold had written to the Commissioners on the 17th of May from Sorel, and General Thomas on the 20th,² but now the Commissioners were to go themselves to the camp, there to look into the condition of things, and Charles Carroll resumed his journal at this point. On the 21st of May he writes: “This day Mr. Chase set off with me for the mouth of the Sorel.” They embarked on a bateau from Montreal, and when the wind was against them took post. At La Nore they got into a canoe and were paddled down the St. Lawrence the remaining nine miles. The journal says: “In going from *La Nore* to the mouth of the Sorel, we passed by Brown’s battery (as it is called), although it never had a cannon mounted on it. To this battery without cannon, and to a single gondola, ten or twelve vessels under the command of Colonel Prescott surrendered.” This was accomplished by a clever ruse of the American Major, which the journal details. Carroll adds: ‘We found the discipline of our camp very remiss, and everything in confusion. General Thomas, who was ill of the small pox, had but lately resigned the command to Thompson, by whose activity things were soon put on a better footing.’”³

On the 22d the Commissioners left the camp for

¹ *Ibid.*, p. 587, 588.

² *Ibid.*, 592.

³ Appendix B.

Chamblay on the Sorel River, which place they reached the following morning, having made the journey by land. They had in the meantime ordered a detachment under Colonel De Haas to reinforce General Arnold, and together these two commands were to drive off the force of British and Indians, who had taken the post at the Cedars, and were advancing on Montreal. At Chamblay the Commissioners found the same confusion and disorder as at Sorel, and the Americans without credit and without money. They had to advance some silver coin to pay for the carriage of three barrels of gunpowder down the river, the officer in charge of the guard not having a shilling. They returned to Montreal that evening, and De Haas's detachment arrived the next day, marching out on the 25th to join General Arnold at La Chine. "They were detained," writes Carroll, "from want of many necessaries which we were obliged to procure for them, General Wooster being without money, or pretending to be so."¹

Chase and Carroll wrote a note to General Wooster on the 25th of May desiring him to forward a communication for them "by the Express to St. Johns," which they presume he will send off. They add: "Unless immediate steps are taken to procure provisions for the Army, the Soldiers must starve or plunder the Inhabitants. It is a Duty incumbent on our Generals to prevent such a dreadful scene by every means in their power."²

The President of Congress wrote to the Commissioners on the 24th, General Thompson and General

¹ *Ibid.*

² MS: Letter, Simon Gratz, Philadelphia.

Thomas wrote to them on the 25th, and General Arnold on the 27th.¹ The following is the reply of Chase and Carroll to the letter of General Thomas. The latter, unfortunately, fell a victim, soon after, to the dread disease from which he was then suffering.

MONTREAL, May 26th, 1776.

SIR:

We are favored with yours of yesterday from Chamblay. We went to Sorel on purpose to learn the condition of our army and to know the sentiments of the general officers respecting the future operations of the campaign. We expected to have had the pleasure of meeting with you there. On our way to Sorel we were informed of your being taken ill with the small-pox, and that you had left the camp. We hoped to have found you at Chamblay, and to converse with you on the state of our affairs in this country was the principal end of our journey thither; unluckily we passed you on the road.

In the present situation of the army, we think it would be impracticable to occupy and fortify the posts of Deschambault and Jacques Cartier. We are sorry to find so little discipline in the army, and that it is so badly provided in every respect. We have sometime since written pressingly to Congress for hard money, without which we believe it impossible to relieve our wants. The most immediate and pressing necessity is the want of flour. We have advised General Wooster to issue an order to the town major to wait on the merchants or others having provisions or merchandise for sale and request a delivery of what the soldiers are in immediate want of, and pledge the faith of the United Colonies for payment; and have given it as our opinion, that on refusal,

¹ American Archives, vi., 558, 593, 596.

our necessity requires that force should be used to compel a delivery.

We have advised the General to issue a similar order to Messrs. Price and McCarty. The General has complied with our advice in both instances, and yesterday evening dispatched an express to St. Johns with a letter to those gentlemen. We wrote to them by the same opportunity our sentiments. Flour is not to be procured in any considerable quantity on this island. Unless immediate steps be taken to secure large quantities of wheat, and have it ground up into flour with the utmost dispatch, the army will be reduced to the greatest straits for want of bread. We most earnestly entreat you to turn your attention to this matter, and to use all the means which your prudence will suggest to procure flour for the troops. None is to be expected, at least for some time, from over the lakes. Our soldiers will be soon reduced to the dreadful alternative of starving, or of plundering the inhabitants; the latter will surely happen if our troops should not be supplied with bread in a regular way.

Their other immediate wants may in some measure be relieved by compelling a delivery of some goods on the same terms with wheat and flour. This, however, we confess a violent remedy, which nothing can justify but the most urgent necessity, and therefore cannot be long pursued without drawing on us the resentment of the inhabitants. In short, sir, without a speedy supply of hard money it appears to us next to impossible to remain in Canada, even if we had no enemy but the inhabitants to contend with.

We have already mentioned the bad discipline of the army. It is no doubt in a great measure owing to the cause assigned in one of your letters, the short enlistments. But there appear to us other causes; the officers

are not sufficiently active, nor do they seem actuated by those disinterested principles and generous sentiments which might be expected from men fighting in so just and glorious a cause. We would not be understood to cast a general reflection. There are many officers, we are satisfied, who act upon the noblest motives, but it gives us pain to assert on the best information, that there are several whose conduct has too plainly proved them unworthy of the character and trust conferred on them by their countrymen. We have mentioned our sentiments with freedom. We shall always give our opinions with the same; we mean not to dictate but to advise with you and the general officers on the most effectual ways and means of extricating ourselves from our present difficulties and promoting the general service.

As by this time the virulence of your disorder we hope is abated, we recommend a meeting of the general officers at Chamblay to consult about, and agree upon the future operations of the war in Canada. The enclosed copy of General Arnold's last letter will give you the best intelligence respecting the affair at the Cedars, and the actual state of the enemy, and our forces on this island. Col. De Haas marched yesterday evening from this town at six o'clock, with 400 men to La Chine. We flatter ourselves we shall drive the enemy off the island, redeem our prisoners, and recover our post at the Cedars. We are with sincere wishes for your speedy recovery, Sir,

Your most obedient humble servants

SAMUEL CHASE,

CH. CHARLES CARROLL OF CARROLLTON.

Major General THOMAS.¹

¹ Sparks MSS.; Harvard College Library.

The last letter of the Commissioners to Congress was written from Montreal on the 27th of May, in which they sum up the woes of the army: without meat, bread, tents, shoes, stockings, shirts; and out of the four thousand men, four hundred sick with different disorders.

“We cannot find words strong enough, to describe our miserable situation; you will have a faint idea of it, if you figure to yourself an army broken and disheartened, half of it under inoculation, or under other diseases; soldiers without pay, without discipline, and altogether reduced to live from hand to mouth, depending on the scanty and precarious supplies of a few half-starved cattle, and trifling quantities of flour which have hitherto been picked up in different parts of the country.”

The Commissioners inform Congress that they had induced General Wooster not to take command at Sorel, when General Thomas upon being taken sick with smallpox, had written for him. And they state plainly their sentiments as to this officer’s incompetency: “General Wooster is, in our opinion, unfit—totally unfit—to command your army, and conduct the war. We have hitherto prevailed on him to remain in Montreal. His stay in this Colony is unnecessary, and even prejudicial to our affairs. We would therefore humbly advise his recall.”¹

The time was now at hand when they were at liberty themselves to leave this discouraging theatre of action, these impromptu generals, commissaries, contractors, and justices of the peace. They had

¹ American Archives. vi., 589.

recommended, as we have seen, a council of war at Chamblay to decide on the future campaign, and Charles Carroll says in his journal that they left Montreal at three o'clock on the afternoon of the 29th to attend this council. It was held on the 30th and the decision was to "maintain possession of the country between the St. Lawrence and Sorel, if possible; in the meantime to dispose matters so as to make an orderly retreat out of Canada."¹

The Commissioners visited St. Johns the next day, General Sullivan having arrived there the night before with fourteen hundred men. Chase and Carroll sailed from St. John's June 1st, on their way back to Philadelphia, arrived at Crown Point on the evening of the 3d, and rowing all night, reached Ticonderoga at one in the morning, where they were welcomed by General Schuyler.²

The Rev. John Carroll wrote from Philadelphia, June 2d, to his cousin Charles Carroll, senior, giving the latter the news from his son. He tells of having just arrived two days before, with Doctor Franklin:

"Cousin Charles and Mr. Chase left Montreal with me on the 12th of May, that they might not be in any danger from a frigate running up the river, and getting between them and the eastern shore of St. Lawrence. As Doctor Franklin determined to return to Philadelphia on account of his health, I resolved to accompany him, seeing it was out of my power to be of any service after the Commissioners had thought it advisable for them to leave Montreal. Your son and Mr. Chase proposed staying at

¹ Appendix B.

² *Ibid.*

St. John's or in that neighborhood, till they should know whether our army would keep post at De Chambeau [Deschambault]; and the former desired me to give you notice of his being safe and well.... When I left him he expected to follow us in a few days; but Mr. Hancock tells me that if an express sent some days since from Congress reaches them before they have left Canada, he is of opinion they will continue there for some time. I shall set out from hence, next week and propose doing myself the pleasure of calling at Elkridge. My affectionate and respectful compliments to Mrs. Darnall and Carroll, with love to Polly. Nothing new from Canada, nor indeed any advices at all since we left it. Great divisions here between the contending parties.... Ten tons of powder, five hundred small arms came in yesterday. Cousin Charles received large packets of letters from you a few days before we left Montreal."¹

Charles Carroll, continuing his journal, tells how he and Mr. Chase set off with their friend General Schuyler at five on the morning of the 4th hauling their bateaux "over the carrying place at Skeenesborough into Wood Creek." They stop to admire the saw-mill, grist-mill, and forge built by Major Skeene, row up Wood Creek ten miles, and then lie all night on board the boat. They are off again by three o'clock the next morning, rowing up the serpentine, and winding river or creek, and at one place obliged to land where the trees and brushwood have been piled across the water, while the crew carry the boat through the narrow channel that is open. Carroll walks, with General Schuyler as his

¹ Maryland Historical Society's "Centennial Memorial," p. 109.

companion, seven miles when they meet horses sent forward for them. They dine at a house two miles farther on, and ride after dinner to Fort Edward, four miles. "Mr. Chase joined us this evening," says the journal, "he took the lower road, and was obliged to walk part of the way." They separated from General Schuyler the next day, as he was obliged to return to Fort George, and rode on to Saratoga, "but did not find the amiable family [the Schuylers] at home."

Here they waited all day for their servants and luggage, and on the morning of the 7th were off again, taking a boat on the Hudson for Albany, which place they reached at half past five, and in half an hour they were on a sloop which was just ready to sail for New York. They arrived in the latter city without further adventures at one P.M. on the 9th where the journal says: "Waited on General Washington at Motier's;—saw Generals Gates and Putnam, and my old acquaintance and friend, Mr. Moylan. About six o'clock in the evening got into General Washington's barge, in company with Lord Sterling, and was rowed round by Staten Island and the Kilns, within two miles of Elizabeth-town, where we got by ten at night."¹ They reached Philadelphia by boat at two o'clock in the night of June 10th. And so ended this interesting and laborious episode in Charles Carroll's public career. General Washington sat down on the 10th, after parting with the Commissioners, and wrote to the President of Congress:

¹ Appendix B.

“Since I did myself the honor of writing to you yesterday, I have had the satisfaction of seeing, (and for a few minutes conversing with,) Mr. Chase and Mr. Carroll, from Canada. Their account of our troops, and the situation of affairs in that department, cannot possibly surprise you more than it has done me. But I must not touch upon the subject, which you will be so well informed of from the fountain head.”¹

The Journal of Congress records that on June 11th “Mr. Chase and Mr. Carroll of Carrollton, two of the Commissioners being arrived from Canada, attended and gave an account of their proceedings and the state of the army in that country,” and on the same day Doctor Franklin laid before Congress an account of his expedition to Canada. The next day the Commissioners sent in their formal report in writing, but this document, unfortunately, has been lost.²

While still in Philadelphia, attending the debates of Congress, and resting from the fatigues of his long journey, Charles Carroll wrote the following letter to General Gates, who it was believed would succeed to the command in Canada. He had just seen Gates in New York, and he now gives him, with becoming modesty, but with the confidence of trained and careful observation, his views as to future military operations in the General’s proposed new field of action. However, with the defeat of General Sullivan, the Americans were forced to abandon Canada altogether, and the “success” of

¹ Ford’s “Writings of Washington,” vol. iv., p. 129.

² Maryland Historical Society’s “Centennial Memorial,” p. 37.

General Gates was reserved for the gallant day of Saratoga.

PHILADELPHIA, June 14, 1776.

DEAR SIR:

As you will probably be appointed to the chief command in Canada, I take the liberty to suggest the following hints. Your better judgment and experience, and future knowledge of the country, will enable you to determine whether they are worthy of your attention. However, as they may possibly be of some service, I will hazard them, being convinced your good-nature will put the most favorable construction on my observations.

Various are the reports concerning the number of troops to be employed against us in Canada. Notwithstanding it has been given out that Burgoyne is to command ten thousand, I much question whether our enemy's force will exceed four. If this should happen to be the case, our present army in Canada is sufficient, when recovered of the small-pox, and from the confusion which bad discipline, want of provisions and other necessaries, and the checks it has met with, have occasioned, to resist the enemy, and keep possession of that part of the country lying between the Sorel and the St. Lawrence, and above Montreal on each side of the St. Lawrence. The enemy's armed vessels will not be able to go higher up the St. Lawrence than Montreal. Above that city, the vessels which they may use will not be an overmatch for such vessels as we may have on the St. Lawrence, above Montreal.

If we can repossess ourselves of the Cedars, and fortify it so as that the enemy will not be able to force that post, without running the risk of losing a great number of men, it is probable that we shall cut off their com-

munication with the Indian tribes, and deprive them of the Indian trade. Will it not be proper to send a body of forces up the Mohawk River, and to Detroit, to make a diversion, and to give employment to the Eighth Regiment posted there, and at the different garrisons in what is called in Canada, the upper country? In keeping possession of the Sorel, and adjacent country, we shall deprive the enemy of large supplies of wheat, for in that part the most wheat is made. It is a woody country, and by entrenching, making abbaties, breaking up the roads, harassing the enemy on their march, and reducing the campaign to a war of posts, in forcing of which they will lose many men, we may probably keep a footing in Canada this summer and fall.

Toward the middle of October, a strong reinforcement (of ten thousand men if they can be spared) should be sent into Canada, well provided in every respect. This body, joined to our other forces will probably compel the enemy to retire into, or under the walls of, Quebec. In that case, the passes of Jacques Cartier and Deschambault, should be instantly secured, and the latter so well fortified, as to render the enemy's passage, next spring, through the falls of Richelieu impracticable.

Their shipping will be obliged to fall below Deschambault, by the latter end of October. If by fortifying the eminences at Deschambault, and obstructing the navigation, by which means the enemy's vessels should be prevented from coming up the St. Lawrence, next spring and summer, we may keep possession of all that part of Canada lying above Deschambault, the country below it is not worth holding. Good use must be made of the fall and winter in constructing gondolas, and, if necessary, a 36 gun frigate to be employed above the falls of Richelieu. This frigate and the gondolas, will serve

to obstruct the enemy's vessels attempting to come through the falls of Richelieu, and may give us the entire command of the river St. Lawrence above those falls. Should this happen the enemy must have next year a very strong army indeed to reduce Canada, as their march by land on the north side of the St. Lawrence would be rendered dangerous and difficult, through a woody country intersected by several large rivers, in passing which they might be opposed with great advantage, by our shipping and land army acting in conjunction.

I beg your suspicions of Gen. Schuyler may not prejudice you against him. See with your own eyes, and all your suspicions will vanish. I am confident that you will judge very differently of him on acquaintance, and that you will find him a diligent, active and deserving officer. I hope a good understanding may subsist between you, as it will promote the service. God grant you success and health. My respectful compliments to Gen. Washington, and remembrances to Gen. Mifflin and my friend Moylan.

I am etc.

CH. CARROLL OF CARROLLTON.¹

¹ Sparks MSS: Harvard College Library.

CHAPTER VI.

A CONSTITUTION MAKER.

1776–1777.

THE Maryland Convention met in Annapolis, May 8th, 1776, while Charles Carroll of Carrollton was in Canada, Anne Arundel County being represented by Charles Carroll, barrister, and Thomas Johnson. They passed the following resolution, among others, to be sent to the Maryland delegates in Congress:

“That as this Convention is firmly persuaded that a reunion with Great Britain on constitutional principles would most effectually secure the rights and liberties, and increase the strength and promote the happiness of the whole empire, objects which this province hath ever had in view, the said deputies are bound and directed to govern themselves by the instructions in its session of December last, in the same manner as if the said instructions were particularly repeated.”¹

This resolve precluded the Maryland delegates from concurring in any movement for independence, and was heard of with dismay by Carroll and

¹ Journal of the Convention.

Chase, and other members of the advanced party. A new Convention, however, was called to meet the 21st of June, and Samuel Chase was in his seat on that day, Charles Carroll of Carrollton appearing in the house on Monday, June 24th. Four days later, June 28th, the Convention,—

“Resolved, that the instructions given by the Convention of December last (and renewed by the Convention in May) to the deputies of this Colony in Congress be recalled, and the restrictions therein contained removed; that the deputies of this Colony attending in Congress, or a majority of them, or any three or more of them, be authorized and empowered to concur with the other united Colonies, or a majority of them in declaring the United Colonies free and independent States, provided the sole and exclusive right of regulating the internal government and police of this Colony be reserved to the people thereof.”¹

On the 3d of July a resolution was passed in reference to the election of a new Convention for the purpose of framing a form of government, and on the 4th, delegates were elected to Congress. These were Matthew Tilghman, Thomas Johnson, William Paca, Samuel Chase, Thomas Stone, and Charles Carroll of Carrollton. On the 6th of July the Convention adjourned, after giving to the people, “A Declaration of the Delegates of Maryland” which recited the wrongs sustained by the Colonies, and stated the necessity for a separation of Maryland from the mother country, the King of Great Britain having “violated his compact with this people.”

¹ *Ibid.*

And the Maryland deputies in Congress were empowered to join with those of the other Colonies “in declaring them free and independent States, in framing such other Confederacy between them, in making foreign alliances, and in adopting such other measures as shall be judged necessary for the preservation of their liberties, etc.”¹

The important resolve of the 28th of June, which placed Maryland in line with her sister colonies on the subject of independence, is attributed to Charles Carroll of Carrollton.² “Principally instrumental in obtaining the passage of this resolution,” says McSherry, “was Charles Carroll of Carrollton,” and he adds that, “as a reward for his labors in behalf of the measure in Convention, he was on the 4th of July chosen a delegate to Congress.”³

Carroll and Chase were just from Philadelphia and they had been able to sound the temper of the other Colonies, as expressed by their delegates, and knew that public opinion was ripe for the formal avowal of a separation which already had a de facto existence. Maryland’s nearest neighbor south of the Potomac, the Old Dominion, had early made her splendid record, under the leadership of Mason, Henry, and the Lees, as the first of the Colonies to declare herself a sovereign State, and Maryland’s impatient patriots could brook no longer delay. Samuel Chase wrote from the Convention on the 29th of June to Richard

¹ Ridgeley’s “Annals of Annapolis,” p. 177. Riley’s “History of Annapolis,” p. 180.

² Scharf’s “History of Maryland,” vol. ii., p. 231.

³ McSherry’s “History of Maryland,” p. 195.

Henry Lee, then in Williamsburg: "I cannot but envy our older sister, Virginia, for having adopted this wise and salutary measure before us. I shall endeavor to procure a new Convention before we establish a new Government. Be pleased to communicate to me the plan proposed in your Colony."¹

From the Convention the Maryland delegates hastened back to Congress, carrying with them, among their new members, Charles Carroll of Carrollton who took his seat in this distinguished body on the 18th of July, 1776. The following day, the Declaration of Independence, passed on the 4th of July, was ordered to be engrossed on parchment, and August 2d it was signed by those then present, and it was on this day that Charles Carroll of Carrollton put his signature to this world-renowned instrument.² The story often repeated and as often denied, that Charles Carroll added "of Carrollton" to his signature, when jestingly reminded by one of his colleagues that there were others of his name in Maryland, and he would therefore incur little risk, though a pretty legend is, of course, not tenable as history. It has been seen that Charles Carroll had signed himself as "of Carrollton" from the time of his return to America in 1765. He wrote to his friend Edmund Jennings soon after his arrival in Maryland, using this signature, and saying "by which appellation, if you favor me with an answer, direct to me your letter."³

¹ MS.: Letter, Lee Papers.

² *The Truth-Teller*, New York, 1827, Article on Charles Carroll of Carrollton.

³ *Appleton's Journal* September 12, 1874.

In his letter to Mr. Sprague of 1830, he says he took the surname to distinguish him from his father.

The Carroll entries in the Land Office from 1765 to 1773 distinguish those of the same name, as “Charles Carroll of Elk Ridge” [Doughoregan Manor], or “Charles Carroll, Esq.,” “Charles Carroll of Carrollton,” “Charles Carroll, barrister-at-law,” and “Charles Carroll the Younger” (of Duddington Manor). The last died in 1773 leaving three Charles Carrolls prominent in Maryland in 1776. In the biographical sketch of Charles Carroll of Carrollton written by John H.B. Latrobe, eight years before the death of Mr. Carroll, and submitted to him for inspection, there is no mention of the above anecdote, though the other story that usually goes with it is related. John Hancock, the President of Congress, after the Declaration had been placed upon the Secretary’s desk, while in conversation with Charles Carroll of Carrollton, said to him “Will you sign it?” “Most willingly,” was the prompt reply, and as he made his signature, a member standing near observed “There go a few millions,” and all admitted that few risked as much, in a material sense, as the wealthy Marylander.¹

Charles Carroll had been appointed, on the 18th of July, the day he took his seat, one of a committee of three, to examine and report on some intercepted correspondence from Lord Howe to the colonial governors, including Dunmore of Virginia and Eden of Maryland. On the 19th, he was appointed on the Board of War, increasing its number to six. The

¹ Sanderson’s “Lives of the Signers,” vol. vii., p. 257.

Committee of Congress elected the 12th of June, 1776 which went under the name of the Board of War and Ordnance as originally constituted consisted of five member, John Adams Roger Sherman, Benjamin Harrison James Wilson and Edmund Rutledge. Richard Peters was the Secretary of the Board. They were entrusted, under the general direction of Congress with all the executive duties of the military department. They were to forward despatches from Congress to the armies in the field, or to the Colonies; to superintend the raising, fitting out, and despatching the forces; to keep a roster of all the officers in the Continental Army their rank and dates of commissions; to have charge of the military provisions and to keep an account of them, and of the artillery stores.

The Board of War was to enter into books copies of all their correspondence and despatches and a seal was adopted by them for official purposes.¹ It will be seen that this committee had arduous duties to perform, and the Journals of Congress show that the most important matters were being continually referred to it. John Adams the Chairman of the Board, thus mentions in his autobiography the appointment of Carroll:

“Thursday, July 18. Resolved, That a member be added to the Board of War. The member chosen Mr. Carroll. An excellent member whose education, manners, and application to business and to study, did honor to his fortune, the first in America.”²

¹ Journal of Congress, 1776.

² Works of John Adams, vol. iii., p. 60.

Charles Carrol's information as to military affairs, and the state of the army in the North, derived from his Canadian mission, would naturally recommend him for this important committee. And one who knew of what he was speaking says that, "during the investigation by the Board of the disputes arising out of the Canada expedition and in the consideration of the movements of the army in the North, the local knowledge which Mr. Carroll had acquired in his late journey, together with his acute observations upon the state of the country, and the character and disposition of the people, were of important service."¹ That there is no mention of Charles Carroll of Carrollton in the meagre Journal of Congress from July 19th to the close of his stay, during this session, August 14th or 15th, proves only, therefore, that he was too closely occupied on the Board of War to undertake other duties. Letter and despatches were continually coming before him, as they were referred by Congress to the Board of War and every few days he united with his colleagues in a report which was sent to Congress and considered by them in Committee of the Whole.

On the 4th of July the adoption of the Declaration of Independence was not the only event of the day. More prosaic business occupied the attention of Congress during part of this time, and they resolved, among other things,

¹ *The Truth-Teller*, New York, 1827, Article on Charles Carroll of Carrollton.

“That the Board of War be empowered to employ such a number of persons as they shall find necessary to manufacture flints for the continent, and for this purpose to apply to the respective Assemblies, Conventions, and Councils or Committees of Safety of the United American States or committees of inspection of the counties and towns thereunto belonging for the names and places of abode of persons skilled in the manufactory aforesaid, and of the places in their respective States where the best flint-stones are to be obtained, with samples of the same.”¹

It is to this subject that the following letter of the Maryland delegates, Chase and Carroll, to the Maryland Council of Safety, has reference.

PHILADELPHIA, July 27, 1776.

GENTLEMEN:

Col. Smallwood apprehending his battalion would be in want of many necessaries at the camp, applied to us for a sum of money and we advanced him \$1,335, for which he is to be accountable to the Convention of Maryland. We hope this advance will meet with your and their approbation, as not much can be expected from soldiers badly provided and such is the discretion and economy of Col. Smallwood that we are persuaded he will make a very judicious application of this money.

The Congress has allowed a regimental paymaster to each battalion in the Flying-Camp, the appointment of which officer is left to the several States from which these battalions come. In the recess of our Convention the appointment is in you, and we beg you may appoint one as soon as may be. Col. Smallwood recommended

¹ Journal of Congress, 1776.

to us for this place, Mr. Christopher Richmond. We mention this circumstance because we know the appointment of Mr. Richmond will be very agreeable to the Colonel.

There are now lodged in Mr. Shries's house fifty odd muskets lately imported for the use of our State; they want repairing and cleaning. We submit it to you whether we shall not keep these muskets here, to arm in part one of our militia companies passing through this city, and on its way to the Flying-Camp; this will save the expense and trouble of sending them to Maryland. We are informed that there are large quantities of flint stones at the landings on Wye and Choptank Rivers; these were brought by the ships as ballast and thrown out on the banks. The Congress has desired us to write to you on the subject and to procure some person who understands flints, to look after them, and to report to Congress whether they are good or not.

We have nothing new from New York; the post is not yet come in. We heard from General Washington yesterday; all was quiet. The ten vessels mentioned in the papers appearing in the offing at New York brought over Highlanders; how many we know not. As the harvest is now over we imagine the militia will come in fast to compose the Flying-Camp; and we hope the Maryland militia will march with all possible expedition.

We are with regard gentlemen your most obedient humble servants

SAMUEL CHASE,

CHARLES CARROLL OF CARROLLTON.

To the Hon. the Council of Safety
at Annapolis.¹

¹ American Archives, vol. i., p. 618; Maryland Archives, vol. xii., p. 129.

The new Convention appointed to frame a form of government for the State of Maryland, met in Annapolis, August 14th, 1776. William Paca and Charles Carroll of Carrollton were the delegates elected to represent Annapolis, and on the 17th of August Charles Carroll, who had recently arrived from Philadelphia, took his place in the Convention. The resolution of Congress declaring the United Colonies free and independent States, was the first subject brought up for consideration, and a resolve was passed, "That this Convention will maintain the freedom and independency of the United States with their lives and fortunes."¹ A committee of three was then appointed, of which Charles Carroll of Carrollton was one, to examine into and report upon the state of the loan office.

On the election of the members of the committee who were to prepare a Declaration of Rights and Constitution, the President of the Convention, Matthew Tilghman, headed the list; and after him came Charles Carroll, barrister, William Paca, Charles Carroll of Carrollton, George Plater, Samuel Chase and Robert Goldsborough. These were among Maryland's choicest spirits. Four of them had been elected to Congress, and of these, three had just signed the Declaration of Independence. The others had held high places in colonial Maryland and were to associate their names thereafter with her Revolutionary history and genesis as a sovereign State. Thomas Stone, who had remained in Congress and represented Maryland's interests

¹ Journal of the Convention.

there, sent a letter to the Convention on the 21st of August with resolutions of the former body passed on the 26th of June and 17th of August, and a committee appointed by the Convention to consider them, consisted of Col. William Fitzhugh, George Plater and Charles Carroll of Carrollton.

The Declaration of Rights was brought in from the committee to the Convention, by George Plater on the 27th of August. And on the same day, Charles Carroll, barrister, and two of his colleagues from Anne Arundel County, Brice Thomas Beale Worthington and Samuel Chase, asked leave to resign from the Convention, as there were points in the plan of government to which, by their instructions from their constitution they could not accede. Worthington and Chase were subsequently returned as delegates, but Barrister Carroll was not re-elected, very probably at his own desire, and November 19th he took his seat in Congress.

On the 17th of September the last day of the Convention it was voted that the members of Congress present should return to their post of duty. Johnson, Chase, and Paca had already left the Convention several days before. The Bill of Rights and Constitution were referred to a future session of the Convention after a motion had been adopted to print them and send twelve copies to each county. And when Col. Fitzhugh had brought in his report from the committee to consider the resolutions of Congress, the Convention adjourned.

The Maryland Convention met again on the 2d of October to perfect their work on the State Con-

stitution, having allowed their constituents time to examine into the merits of the proposed plan. Charles Carroll of Carrollton was present on the roll-call. On the 4th of October he was placed on a committee with Samuel Chase, William Paca, and others, to prepare a scheme for the emission of bills of credit, to enable the State to carry on its defence against British invasion. A letter from Congress containing its resolves as to the disposition of troops and appointment of officers, was laid before a committee of seven, which included the Maryland delegates to Congress who were present, Chase, Paca, and Charles Carroll of Carrollton.

Thomas Johnson was added to the committee on his arrival from Philadelphia, October 7th, and the reports of the two committees were brought in the following day. The Convention resolved itself into a Committee of the Whole, from day to day, to consider and discuss the Declaration of Rights and Constitution. On Friday, the 28th as the journal records, Charles Carroll had leave of absence till the following Wednesday, "on account of the indisposition of his family."¹ But he was in his place again on Sunday, the 30th, the Convention meeting on the Lord's Day, a practice kept up by the Maryland legislators, one is surprised to see, sometime after there was any ostensible need for it.

Resolutions not very friendly to her "older Sister, Virginia," were passed by the Convention on the 30th, and Maryland here, unfortunately, placed herself in the position of opposing the charter rights of a

¹ Journal of the Convention.

colony, the basis of those State Rights so important to herself and to all members of the Confederation, the "United States." On the 31st the Bill of Rights was reported, and as amended by the Convention was agreed to on the 3d of November. The Constitution was taken up the following day, and fully discussed, amendments being suggested by Jeremiah Townley Chase, Samuel Chase, Col. William Fitzhugh, Thomas Johnson, and others, until the 8th, when it was adopted, and the Convention adjourned November 11th.¹

The journals of public bodies in those early days, give for the most part, but the skeleton framework of their proceedings which must be filled out, wherever possible by private and personal records. The descendants of the constitution-makers of the thirteen Colonies and all inquiring students of early American institutions desire to know as much as is attainable as to the authorship of these charters, and all obscure sources of information are eagerly searched for and scanned in the hope of discovering the data sought. McMahon, writing in 1831, after mentioning that Thomas Johnson and Robert Hooe took the places on the committee appointed to frame Maryland's Declaration of Rights and Constitution vacated by the resignation of Samuel Chase and Barrister Carroll, and that Chase though re-elected to the Convention did not take his seat again until the day on which the committee reported, adds: "The form of government and Bill of Rights so reported, were but slightly altered in their passage

¹ *Ibid.*

through the Convention. We know not by whom they were drafted; nor whether they were the production of any particular member or members of the Committee.”¹

It has subsequently been asserted that Charles Carroll, barrister, drafted the Declaration of Rights,² though he did not see it through its several stages in the committee and in the Convention. This gentleman, a graduate of Cambridge and a student of the Temple, in legal learning and statesman-like accomplishments was not surpassed by any of his associates. With whom originated the first draft of the Maryland Constitution, if it was the design of any one person, history has not yet informed us, but one, and that the most unique feature of this “form of government,” Maryland owed to Charles Carroll of Carrollton. This was in relation to the composition of the Senate, or the manner of electing its members. Of his service in this respect, Charles Carroll wrote to a friend in 1817:

“I was one of the Committee, that framed the Constitution of this State, and the mode of choosing the Senate was suggested by me; no objection was made to it in the Committee, as I remember, except by Mr. Johnson, who disliked the Senate’s filling up the vacancies in their own body. I replied that if the mode of choosing Senators by Electors were deemed eligible, the filling up vacancies by that body was inevitable, as the Electors could not be convened to make choice of a Senator on every vacancy,

¹ McMahan’s “History of Maryland,” p. 437.

² Hanson’s “Old Kent,” p. 147.

and that the Senate acting under the sanction of an oath and *l' esprit de corps*, would insure the election of the fittest men for that station, nor do I recollect while I was in the Senate, that the power intrusted to it in this instance was ever abused and perverted to party views. I do not remember, at this distance of time, whether this part of the Committee's report was objected to in the Convention, nor any report of its debates and proceedings other than what is to be found in Hanson's Edition of the laws, nor what was the understanding of that body respecting the fight of the Governor of nomination to the Council."¹

The Senate was composed of fifteen members, who were to be chosen by a body of electors, forty in number, two from each county and one each from Annapolis and Baltimore. The principle of the representation of small constituencies, carried out in the election of the Lower House, was disregarded here, the nineteen counties and two cities not being parcelled into districts but attaining representation only *en masse* in this miniature House of Lords. In other words, the State itself was represented as a whole or unit in, or by, its Senate (except that nine Senators were to be from the Western Shore), as Maryland was herself to be represented later in the Senate of the Union. The term of service was for five years. This peculiar construction of the Maryland Senate, differentiating it from all similar bodies on the continent, called forth much comment, many, a majority, praising while others condemned it.

¹ MS; Letter, Worthington C. Ford.

Samuel Chase is reported to have declared his warm approval in the exclamation, "It is virgin gold!"¹ Ramsay says:

"Ten of the eleven States, whose legislatures consisted of two branches, ordained that the members of both should be elected by the people. This rather made two co-ordinate houses of representatives than a check on a single one by the moderation of a select few. Maryland adopted a singular plan for constituting an independent Senate... By these regulations, the Senate of Maryland consisted of men of influence, integrity and ability, and such as were a real and beneficial check on the hasty proceedings of a more numerous branch of popular representatives."²

It elicited the admiration of such political students as James Madison (who was probably the author of the defence of it in *The Federalist*,) and Dugald Stewart. Doubtless it suggested to the framers of the Federal Constitution the mode of constructing the United States Senate. Madison, in supporting the latter against objections made to it, points to Maryland as having successfully worked out the problem. She had disproved the charge, "that a Senate appointed not immediately by the people and for the term of six years, must gradually acquire a dangerous preeminence in the government, and finally transform it into a tyrannical aristocracy." The experiment had been tried and these fears had proved fallacious.

¹ McMahon's "History of Maryland," p. 471.

² Ramsay's "History of the American Revolution," vol. i., p. 445.

“If reason condemns the suspicion, the same sentence is pronounced by experience. The Constitution of Maryland furnishes the most apposite example. The Senate of that State is elected, as the Federal Senate will be, indirectly by the people, and for a term less by one year only than the Federal Senate. It is distinguished, also, by the remarkable prerogative of filling up its own vacancies within the term of its appointment; and at the same time is not under the control of any such rotation as is provided by the Federal Senate. There are some other lesser distinctions, which would expose the former to colorable objections, that do not lie against the latter. If the Federal Senate, therefore, really contained the danger which has been so loudly proclaimed, some symptoms, at least, of a like danger ought by this time to have been betrayed by the Senate of Maryland; but no such symptoms have appeared. On the contrary, the jealousies at first entertained by men of the same description with those who view with terror the correspondent part of the Federal Constitution, have been gradually extinguished by the progress of the experiment; and the Maryland Constitution is daily deriving, from the salutary operation of this part of it, a reputation in which it will probably not be rivalled by that of any State in the Union.”¹

Dugald Stewart in his lectures says of the “Division of the Legislature,” as the experiment was made in America:

“In reviewing the various modes in which this improvement has been effected in the several States, it is

¹ *The Federalist*, No. LXIII. (edition of 1857). McMahon gives this as No. III and it was at that time attributed without question to Alexander Hamilton.

extremely interesting to consider the different expedients by which they have attempted to accomplish the ends secured in this country by a hereditary nobility. The Constitution of Maryland in this respect, as well as in various others, reflects peculiar honor on the wisdom of its framers; and (if I have not been mistaken) the result has corresponded, in a very remarkable degree, to their expectations.”

In the work from which Dugald Stewart chiefly gets his information, “A Comparative View of the Constitutions of the Several States,” etc., by William Smith of South Carolina, the appointment by electors, the oath to select proper men, the voting by ballot, and the duration of five years, are points in the Maryland Senate enumerated as “almost peculiar to the Constitution of this State, and are certainly, all of them, very happily calculated to ensure a well-constituted Senate,”; and, continues Dugald Stewart:

“Upon several occasions accordingly, we are told that ‘their integrity and firmness have withstood the dangerous and tumultuous shocks of the more numerous branch,’ and ‘although they have at the moment been the subjects of popular indignation, yet returning reason and moderation have always rewarded them with the public esteem and affection. In the other States, the election of Senators *immediately* by the people, has been found not only liable to cabal, but to make the Senators too dependent on leading and intriguing characters in the several States.’”¹

¹ Dugald Stewart’s “Lectures on Political Economy,” 1856, Vol. ii., p. 433. Smith’s “Comparative View,” etc., Philadelphia, 1796.

Roger Brooke Taney, who was one of its most distinguished members, bore his testimony to the excellence of the Maryland Senate, and its value as a check upon the House of Delegates, an opinion shared by his biographer, Samuel Tyler;

“The mode of electing the Senate by Electors sworn to elect men most distinguished for their wisdom, talents and virtues; and their term of service for five years, constituted the Senate such a body that Mr. Taney always talked of his service in it with singular pleasure.

...Upon several occasions the integrity and firmness of the Senate withstood the unwise course of the more popular branch. Before the adoption of the Constitution of the United States, Samuel Chase proposed in the House of Delegates the issue of paper money, and the House approved it, but the Senate, under the lead of Thomas Stone and Charles Carroll of Carrollton, rejected the bill.”¹

In the letter of Charles Carroll of Carrollton before quoted, he says:

“That the manner of electing Senators was approved by the experience of many years, and that no inconvenience resulted from the Senate’s filling up vacancies, cannot I think be denied. When parties run high the best institutions afford but a feeble defence against the passions of interested or deluded men. Party spirit seems to be abated [1817], and to have lost much of its virulence; whether it will be prudent, in this state of things to alter the mode of electing the Senate, I leave to your better judgment.”

¹ Tyler’s “Life of Roger B. Taney,” p. 121.

It was under Democratic auspices in 1807, that efforts were first made to alter the mode of electing the Senate. But the bill for that purpose, passed in the House, was defeated in the Senate, at that time, and on later occasions the measure met with similar opposition. And it was not until 1837, six years after Charles Carroll's death, that his distinctive part in the State's early Constitution was altered, the Maryland Senate thereby losing its high character for conservative wisdom and ability.

A letter from Charles Carroll's father, written to him while he is in the Convention, October 21st, contains some pleasant little domestic details. He thanks his son for a present of oysters sent from Annapolis, and in return despatches a barrel of apples from the plantation home at "Doughoregan" where the good daughter-in-law is keeping house. The elder Carroll has not been well, and he writes: "Molly's tenderness and love increases her apprehensions." The only member of the Convention mentioned in this letter is "Mr. Chace" to whom Mr. Carroll sends his "service and compliments."¹

James Sterett wrote from Baltimore to Charles Carroll of Carrollton, December 2nd, giving some war news:

"You have no doubt heard of the surrender of Fort Washington which was garrisoned by twenty-four hundred men, who with the stores etc., have fallen into the hands of the enemy. It is said our number in killed and wounded is about three hundred, and the enemy's double

¹ MS; Letter.

that number. Our army have retreated as far as New Ark in the Jerseys. It is said they have received certain intelligence of their design to come to Philadelphia, and that they are embarking a number of their troops either to come up the Delaware and make the attack on both sides, or amuse the Southern States that they may not send any assistance to our General.

“I am

“Your humble servant,

JA. STERETT.”¹

The Continental Congress met in Baltimore, December 20th, 1776, and Charles Carroll of Carrollton doubtless was in attendance. Charles Carroll, barrister, remained in Congress from November 19th to the close of the session, December 31st. The Congress was still in Baltimore in February, 1777, when the first Assembly of the State of Maryland convened in Annapolis, on the 5th of that month. It was called together by the Council of Safety, which now met for the last time.

In the small but august body, the new Senate, which took the place of the old Council, was included the statesman who had borne such an important part in its theoretical construction. The other members elected to this first Maryland Senate were Daniel of St. Thomas Jenifer, George Plater, William Paca, Thomas Stone, Joseph Nicholson, Junr., Brice Thomas Beale Worthington, Turbutt Wright, Samuel Wilson, James Tilghman, Matthew Tilghman, Robert Goldsborough, Charles Carroll, barrister, Thomas Johnson, and Thomas Contee.

¹ Maryland Historical Society.

James Tilghman declined to serve and Edward Tilghman was elected in his place, but he also refusing to serve Thomas B. Hands was elected. Thomas Johnson refusing the senatorship—Charles Grahame was put in his place. Jenifer was elected President of the Senate, and Richard Ridgeley appointed Clerk. The first business before the Assembly was to ascertain the force necessary to suppress an insurrection in Somerset and Worcester Counties. On the 8th a committee was named to draw up rules for the regulation of the Senate, consisting of Matthew Tilghman, Robert Goldsborough, and Charles Carroll of Carrollton.

A few days later there came a message from the House of Delegates in regard to a Virginia regiment which was in the service of Maryland, and was no longer needed. Charles Carroll of Carrollton carried the answer of the Senate to the House, but there was a difference of opinion as to what instructions should be given General Smallwood. The matter was settled by a conference between the two branches of the Legislature, and the Senate conferrees appointed were Matthew Tilghman and Charles Carroll of Carrollton. The order dismissing the Virginia regulars was countermanded, and they were to be sent to Worcester and Somerset Counties.

The ballot for Governor was taken on the 13th, and Thomas Johnson was raised to this important office. On the election of his five Councillors the following day, Charles Carroll, of Annapolis father of the subject of this memoir, headed the list. No

doubt Mr. Carroll and his son both appreciated this mark of confidence and esteem. The elder Carroll, who had so long chafed under the political disabilities of his family and friends, was now not only to see his heir in the highest places of the land, but was himself asked to accept a prominent position in the government of Maryland. His infirm health, perhaps, was the cause of his declining the compliment accorded him.

Maryland elected her members of Congress on the 15th, and the following delegates were appointed: Samuel Chase, Benjamin Rumsey, William Smith, Charles Carroll of Carrollton, Thomas Stone, and William Paca, but Thomas Stone declined the seat. The Senate having thus put the wheels of the machine in motion, seems to have thought there was no further immediate need of its services. The temptation to attend the sessions of Congress held so near may have proved irresistible to many of the members. For only a few of them came together on the 25th of February, and from day to day after wards until the 17th of March, when there were enough members present to form a quorum. Charles Carroll of Carrollton, however was sedulous in his attendance all this time, except for five days' leave of absence, and his name appears in the journal as active in the work of the Senate from March 17th until its close the 20th of April.

The bill put to the Senate for its passage on the 9th of April, entitled "An Act to make the bills of credit emitted by Acts of Assembly and resolves of the late Conventions a legal tender," was opposed

by Charles Carroll on the ground of its discrimination against one class of creditors, and he filed against it the following reasons for his vote:

DISSENTIENT, *Because* I conceive this bill to be extremely partial, affecting a particular class of men, whom it obliges to receive for money due to them, the Continental bills of credit and the bills of credit of this State at their nominal value, while all others are left at liberty, in consequence of a real and great deprecation of those bills to exact the most exorbitant prices for their land, the produce thereof, and for every other saleable commodity.

Because, there is no justice in punching the innocent to prevent the evil practices of disaffected persons, desirous of depreciating our paper currencies, against the future commission only of which practices this bill provides; without giving it a retrospect, all future monied contracts might be made dischargeable in the Continental bills of credit, and in the bills of credit of this State, which provision, I conceive, would remedy the mischiefs complained of, as far as human laws can guard against the secret workings and devices of the avaricious and artful; and by providing that creditors shall receive their interest in these bills of credit at their respective nominal values, and the principal too, should they sue for the recovery thereof during this war, or in a limited time afterwards, the only plausible argument in support of the bill would be fully answered, and debtors would be relieved from the accumulation of interest and the distress which that accumulation and the unfeelingness of their creditors, not so restrained, might otherwise heap upon them. CHARLES CARROLL of Carrollton.¹

¹ Journal of the Maryland Senate, 1777.

The Maryland delegates to Congress received their instructions from the Assembly at this session, on the subject of bringing the States together under some written compact of union. The Legislature declared:

“We have long and impatiently expected, that a confederacy would have been formed between the United States... We do therefore instruct you to move for a stricter Union and Confederacy of the Thirteen United States, reserving expressly to the General Assembly of this State the power of confirming and ratifying the said Confederacy, without which ratification we shall not consider it as binding upon this State; and should any other Colony solicit to be admitted into that Confederacy, you are to oppose such admission until the General Assembly can be informed thereof, and their consent obtained thereto.”¹

Another point in the instructions related to the manner of ascertaining the quota of the State’s debt; negro taxables were to be deemed and taken, “as part of our people for the purpose of taxation.” The delegates were also to urge that the proceedings of Congress be made public.

The following letter was addressed to Charles Carroll of Carrollton by Col. John Fitzgerald of Alexandria, Virginia, who was with the army at Washington’s headquarters, a member of Washington’s staff.

MORRIS TOWN, March 29th, 1777.

DEAR SIR:

Give me leave to communicate the following piece of intelligence to you which this day we have from

¹ *Ibid.*

Boston, so well authenticated as not to admit of the least doubt.

“On the 18th inst. arrived at Portsmouth an armed vessel of 14 guns from France; her cargo consists of twelve thousand stand of arms, one thousand barrels of powder, flints, guns for the frigate there, woolens, linens etc., etc. She has been out 42 days. A fifty gun ship sailed at the same time and from the same place for this port. She is richly laden with heavy artillery and military stores. Two very valuable prizes are now riding in this harbor, both from London. Their cargoes are the woolens, linens, and summer clothing to a great amount. I had almost forgot to tell you that the Court of France has remonstrated against any more foreigners being sent to America and that upon Doctor Franklin’s arrival they demonstrated their joy by bonfires etc.” Another letter says that a General, a Colonel and a Major all strongly recommended by Dr. Franklin are come in this vessel.

This news, I am sure, will be very agreeable to you and every other gentleman so strongly attached and deeply interested in this dispute. I therefore sincerely congratulate you thereon, and hope you’ll pardon the liberty on my side of beginning a correspondence with you. The public prints will inform you nearly as much of our situation here as I am at liberty to mention. The General is quite recovered from his late indisposition. I shall be glad of the honor of a line from you by post, and am with most respectful compliments to Mrs. Carroll and family,

Dear Sir

Your obedient, humble servant

JOHN FITZGERALD.¹

¹ Maryland Historical Society.

Robert Carter wrote to Charles Carroll from “Nomini Hall,” in April and May, about some business of the Baltimore Company, and in one of these letters he says, showing the inadequate postal facilities of the period: “There is an intercourse between the people here and those residing in St. Mary’s County, Maryland, except during the winter season. Letters for me forward to Leonard Town in St. Mary’s will seldom lay long there.”¹

Charles Carroll of Carrollton returned to his seat in Congress, May 5th, 1777. He had given himself an interval of fourteen days from the adjournment of the Assembly, April 20th, to look after his domestic and plantation affairs. Arrived again in the Federal council, he resumed his former place on the Board of War. In September, 1776, this committee had been charged with the duty of preparing a plan of military operations, and drawing up resolutions for enforcing and perfecting discipline in the army. Benjamin Harrison left Congress about that time, but on his return in November he was immediately assigned again to the Board of War. Francis Lightfoot Lee had been placed upon it in Harrison’s absence, and in January Samuel Adams had been made a member of the Board. An assistant clerk was given them in Mr. Nourse, who had been employed in this capacity by Genl. Charles Lee. One of the duties of the Board of War after the battles of Trenton and Princeton was to direct the disposition of a number of British prisoners, some of whom were sent to Dumfries and some to Leesburg in Virginia.

¹ Carter Letter Books.

On the 12th of May, Charles Carroll of Carrollton was added to the Committee of Foreign Applications. A letter had been received from General Washington, with a copy of one from Silas Deane of November 30th, 1776, brought to America by General Conway—which after being read by Congress were referred to the above committee. Their report was brought in to Congress on the 30th, whereupon it was resolved that commissions be sent to General Washington “for the French officers lately arrived in the *Amphitrite*, to be filled up agreeable to a list to be forwarded to him by the Committee; the rank of each class of the said officers to be settled by the date of their commissions from the King of France.¹” Monsieur de Coudray, the Chevalier du Portail, Monsieur de Laumoy, Monsieur de Gouvion, Monsieur La Badiere, and other French officers had been promised by Franklin and Deane certain appointments in the American army which Congress was not willing to confirm. And on June 25th the Committee on Foreign Applications brought in a report concerning De Coudray’s case.

Congress in Committee of the Whole, July 15th, decided that the agreement made by their agents in France with Monsieur de Coudray could not be carried out, but they softened this decision by assurances that they would give him such rank and appointments as the honor and safety of the States and their duty to their constituents permitted. The Board of War was then directed to

¹ Journal of Congress, 1777.

lay before Congress a list of the foreign officers in the Continental service, with full details as to their rank in France or any other European state. Monsieur du Portail and his confrères who asked for *higher* rank than that agreed on between them and the American envoys, Deane and Franklin, had their memorial referred to the Board of War, Congress, upon its report, giving them an answer in the negative. But the treaty made with them by the envoys was confirmed.

The Committee on Foreign Applications was an adjunct to the Board of War. And Charles Carroll, from his long residence in France and his knowledge of the language and the people, was no doubt a most useful and acceptable addition to its members. William Duer was added to the Board of War, July 2nd; and on the 18th of July Congress resolved that three gentlemen, not members of Congress, be appointed to conduct the business of the Board of War, under the direction of the present Board.¹

Samuel Chase took his seat in Congress July 21st, and it is probable Charles Carroll of Carrollton left there soon after for his plantation home. From "Doughoregan Manor" he wrote to Dr. Franklin, early in August, giving him an interesting account of the progress of the war and of the condition of the country. It is evident he was corresponding at this time with Samuel Chase, and it is much to be regretted that none of these letters seem to have been preserved.

¹ *Ibid.*

DOOHORAGEN, ANNE ARUNDEL CO. [MD.],
August 12th, 1777.

DEAR SIR:

I lately received a letter from Mr. Carmichael to which the enclosed is an answer. This letter was without date, nor could I certainly gather from any circumstances contained in it the place of his residence. As the business in which he is engaged may occasion him to shift frequently his abode, I request the favor of you to forward to him the inclosed letter, or to deliver it, should he be in Paris. I left the letter open for your perusal, as it relates principally to public concerns; when you have read it please to seal it.

No doubt the secret committee will give you a full and true account of the present situation of our affairs and of our wants; they may not perhaps enter into the causes of our miscarriages on Lake Champlain. The loss of the forts of Ticonderoga and Mount Independence, and of our stores must be imputed to the dilatoriness of the New England States in not sending sufficient forces to defend the lines; to an unhappy difference between General Schuyler and Gates, the foundation of which was laid before you left Congress; and lastly to the improvidence of Congress in not giving positive orders for evacuating those posts and the removal of the stores before the arrival of the enemy at Crown Point. The campaign hitherto has been inactive. General Howe must have been weaker than we imagined, or must have wanted some essentials, otherwise his remaining cooped up at Brunswick all the spring, must appear to every military man a strange piece of conduct.

The temperature of the weather at that season, and the weakness of General Washington's army, were strong incentives, one would think, to action. It is their interest

to be active and enterprising in order to finish the war with the utmost expedition; it is ours to procrastinate and avoid a general battle. Perhaps the enemy mean to worry us into slavery by a lingering and expensive war, and despair of succeeding by open force, *viribus it lacertis*. The enemy will probably direct their whole force this fall against the State of New York with a view to reduce it entirely, and thus open a communication with Canada, and render difficult and hazardous the communication between the Eastern and Middle States; whether they will succeed in this plan time must discover. The chances, I think, are against them if the Eastern and Middle States exert themselves, and as their own preservation depends on speedy and vigorous exertions, we may hope the enemy will be baffled in their attempt.

I flatter myself our struggles for Independence will, in the end, be crowned with success, but we must suffer much in the meantime, and unless we continue to receive powerful assistance in arms, ammunition, and clothing, and other warlike stores, and supplies of cash or a credit in Europe, equivalent thereto, we must sink under the efforts of a rich and inveterate enemy, mistress of the ocean, and determined, it seems, to run every hazard in subduing these States to unconditional submission.

My greatest apprehensions arise from the depreciation of our paper money; if we emit more bills of credit they will fall to nothing; we cannot tax to the amount of the charges of the war, and of our civil establishments; we must then raise money by lotteries or by borrowing: But the adventurers in lotteries will be few, and the monied men will not part with their money without a prospect of having their interest paid punctually, and in something that deserves the name of money, and will serve the uses of it. If the annual interest of the sums

borrowed could be paid in gold and silver it would be a great inducement in monied men to lend their money to Congress; where one pound is now lent forty pounds would then be lent. If bills of exchange drawn by Congress on some house in France would be accepted to a certain amount, considerable sums proportionable to the obtained credit, might be speedily raised by the sale of such bills, particularly if advantages were taken by the public of such exchange. But of these matters I shall say no more, as the secret committee will certainly write fully on the subject and in a more masterly manner than I am capable of.

I hope you continue to enjoy your health, and that flow of spirits which contributed to make the jaunt to Canada so agreeable to your fellow-travellers. Mr. John Carroll, and Chase are both well; the latter is now at Congress, and has been so fully and constantly employed that I believe he has not had leisure to refute your reasons in favor of the old ladies. I often think of you and wish for your company; this I own is selfish, as it would be depriving you of those pleasures which you enjoy in the company and conversation of the literati of Paris, and these States of your abilities, and those services you have rendered and may render them in your present station. If the important occupations of it will permit, I shall be extremely glad to hear from you. I wish you health, a long continuance of it, and success in your negotiations, and remain,

Dear Sir

Your most obedient humble servant

CHARLES CARROLL OF CARROLLTON.

P.S. In looking over my letter, I find I have omitted some things which you may be desirous to know; probably you will be informed of them by others, but lest

you should not, I shall mention such as I think will be most interesting; indeed to a person 3000 miles off, the most trifling circumstances are interesting. We have not yet confederated, but almost every member of Congress is anxious for a Confederacy, being sensible that a Confederacy formed on a rational plan will certainly add much weight and consequence to the United States collectively, and give great security to each individually, and a credit also to our paper money; but I despair of such a Confederacy as ought and would take place if little and partial interests could be laid aside; very few and immaterial alterations will be made in the report of the Committee of the whole house. This is only my opinion, for we have made but very little progress in the house, in that important affair, immediate and more pressing exigencies having from time to time postponed the consideration of it to this day, when I am informed it is to be again resumed.

If this war should be of any considerable duration, we shall want men to recruit our armies; could we engage five or six thousand men, Germans, Swiss, or the Irish Brigade? I have mentioned this matter to several members of Congress but they did not seem to relish the introduction of foreign mercenaries. I own it ought to be avoided if possible. Handycraft men would be very serviceable to us, such as blacksmiths, shoemakers, weavers, and persons skilled in the management of hemp and flax.

One of the greatest distresses we have yet felt is the want of salt, but I hope we shall not be in so great want of that essential article for the future as we have been. A bushel of salt some months ago was sold at Baltimore Town for £9. Necessity is said to be the mother of invention; it surely is of industry among a civilized

people. Many private persons on our sea-coasts and bays, are now making salt to supply themselves and neighbors; these private and the public salt-works together, will in a few months, I hope yield a tolerable supply to our people, and at pretty reasonable rates compared with those which have obtained for some time past. Perhaps the private saltmakers may afford to sell salt at 30/ per bushel; the undertakers of the public salt-works in this State are under contracts to sell what salt they make at 5/. We are casting salt pans, but they cost £100 per ton, and are subject to crack. When our plating mills get in full work it will be better to make the pans of plate-iron, although they will come considerably higher. A large importation at this time from Europe of salt pans would be very serviceable; they would sell high.

The necessaries of life, except wheat and flour, are risen to an amazing *nominal* price, owing to an increased demand, and great depreciation of our currencies; wheat sells at 6/ 6 in this part of the country; the market for flour is very dull at present. The price of live stock of all kinds is prodigiously advanced, a cow for instance, which a year ago would have sold for 16 only, would now sell for £18 or 20; cloths, linens, and woolens, are excessive high. I have a coat on, the cloth of which is not worth more than 10/ a yard, and would not have cost more 18 months ago, which lately cost me £4,10 a yard. Rye sells as high as 10/ per bushel; the distillers give that price to distil it into whiskey; stills are set up in every corner of the country, I fear they will have a pernicious effect on the morals and health of our people.

The months of June and July were pleasant and seasonable; the spring was very cold and dry, with late frosts. We had a frost here the 28th of May which destroyed our European grape-vines and apples. The

crops of flax throughout this State are bad; the crops of wheat and rye, in general, good. The 1st instant the weather set in very hot, and has continued so ever since; yesterday was the hottest day I ever felt, this is almost as bad. I have not a thermometer or I would let you know the exact degree of heat. This postscript is longer than my letter; excuse the length of both, and believe me to be, Dear Sir,

Your affectionate humble servant

CHARLES CARROLL OF CARROLLTON.¹

¹ Sparks MSS: Harvard College Library.

CHAPTER VII.

IN THE CONTINENTAL CONGRESS.

1777–1778.

CHARLES CARROLL did not remain long away from his public duties. And he wrote from Philadelphia an anxious letter to Governor Johnson, on hearing that Lord Howe's fleet was in Chesapeake Bay, the latter part of August, 1777. In September he was sent by Congress with Samuel Chase and John Penn to the army to look into its condition, and he wrote to Governor Johnson from General Smallwoods headquarters a report of affairs in that direction.

August 22nd 1777.

DEAR SIR:

Mr. Doans who got here late yesterday evening brought me the first authentic intelligence of the enemy's grand fleet being in our Bay. An express passed through this place Tuesday morning, with an account that part of the enemy's fleet was off the mouth of Potomac. I could not persuade myself that this fleet was anything more than some ships sent to pillage, and collect stock; but it seems that Howe's army is on board this fleet, and it is

now plain he means to land at the head of the Bay. Perhaps he will form an encampment on the isthmus or narrow neck of land between the two Bays, and thus enclose the peninsula lying between Chesapeake and Delaware Bays; from thence he may flatter himself with recruiting his army with the disaffected and supplying it with provisions.

Pray let me know your determinations. Do you think it proper to call the Assembly? Can it meet if you call it? I suppose the enemy's shipping will endeavor to cut off, if it can be done, the communication between the two shores. I imagine the militia, or a part of it, will be called out and sent to the head of the Bay; but what magazines are formed there for their support? And what can be collected to feed our militia, and General Washington's army in the space even of six weeks? I imagine Howe's intention is to do what I have mentioned above, and when his army is refreshed to move towards Philadelphia. I shall be much obliged to you for a few lines informing me what you think had best be done in our present situation.

I received yesterday evening a letter from Col. Fitzgerald dated Brinks County, twenty miles from Philadelphia, the 19th instant. The following are extracts from his letter: "General Howe's not attempting to force his way to the city was displeasing to both Whig and Tory; our army prayed most religiously for it, and even the private men appeared individually concerned in defence of it. It is now a month since General Howe sailed from Sandy Hook, and as yet we are unable to determine the place of his destination, having had no account of him since he was seen off Sinepresent. The general opinion now prevailing is that Charles Town is the object of his present views, in which case as it will be impossible for

this army to follow him there, its operations will be turned against Burgoyne, and I have no doubt will (if it can come up with him) effectually secure the continent against any future incursions from him.

Gates, Lincoln and Arnold are arrived at Albany; reinforcements have been lately sent to them, Morgan's riflemen among the rest, which I am satisfied will be a match for them in their own way. Some troops we have at Fort Schuyler up the Mohawk River, assisted by the militia of Tryon County, have lately had two skirmishes with a party of the enemy there, in both which they behaved with great bravery, and gained some considerable advantage over them. General Clinton remains on York Island, and from the best accounts we can get has not 3000 effective men with him, most of them Hessians. They are building redoubts and breastworks all along Harlem River, and appear very apprehensive of a visit from us. We have had no answer to the proposal for the exchange of General Lee for Prescott, and I am doubtful it will not take place."

Thus far Fitzgerald's letter. I find by a passage in it, the prejudices seem strong in the army against Schuyler and St. Clair. I own the conduct of the latter in not evacuating those posts sooner appears very blameworthy. However, time will clear up all these matters.

I heartily wish you well, and am

Your affectionate humble servant

CH. CARROLL OF CARROLLTON.¹

¹ Pennsylvania Historical Society. (A copy in the Maryland Hist. Society.)

SWAN CREEK, 8th September, 1777.

DEAR SIR:

I beg the favor of you to forward the inclosed by the first safe opportunity, my father will be anxious to hear from me. Genl. Smallwood writes to you by this opportunity and transmits a return of the militia here, their arms, ammunition and accoutrements, and I suppose will inform you he proposes to order the militia to rendezvous at Johnson's Ferry. The militia at this place will march tomorrow for that ferry. I shall proceed to headquarters. No doubt you have better information from Mr. Jones of the enemy's position and motions than I can collect at this out of the way place. Howe I hear is at Aitkens's Tavern, five miles from head of Elk.

Col. Rumsey, who is now here, was Saturday at head of Elk and made some prisoners. Cornwallis is at Crouch's Mills, Kniphausen at Fisher's Mills, the last distant from Newark three miles. Poor Alexander is gone along with the enemy with all his family. He can never remain in this country unless in the disagreeable situation of seeing it conquered by the enemy; if he has any virtue, this thought alone must pain him. Dr. H. Stevenson, it is said, cried like a child when he left his plantation in this neighborhood; unfortunate, misguided men! G W. made a speech (I am told by one Rogers who keeps Susquehanna Ferry) to his army which was received with great applause; officers and men desired to be led to battle.

Washington is said to be at the head of 30,000 men. I believe this number exaggerated by at least a third. I believe General Smallwood does not intend to cross Susquehanna till he receives the field-pieces, at least not to proceed near the enemy. General Washington, I am sure, will not hazard a general battle. We this day had

a full view from Stony Point of the enemy's fleet lying from the mouth of Elk to Sassafras, but chiefly about the mouth of Sassafras.

If Mr. Smith should be desirous to return home, as it appears he is by a letter of his I this day saw, written to Col. B. Rumsey, I shall proceed to Congress, and not return to join Smallwood's brigade of militia. Indeed I already find this kind of sauntering life extremely disagreeable and fatiguing, and hard lodging and irregular hours of eating, begin to disagree with my puny constitution, and habit of body. But perhaps I shall soon be more inured to and better able to support the fatigue of a campaign.

I heartily wish you well, and am,

Your affectionate friend,

CH. CARROLL OF CARROLLTON.

P.S.—Please to put my letter to my father into the postoffice at Baltimore Town.

To His Excellency

THOMAS JOHNSON Esq: Baltimore.¹

General Smallwood wrote to Governor Johnson from Nottingham, September 14th, that he was just "setting out for Philadelphia to join General Washington's army," and Charles Carroll of Carrollton added a postscript to the letter:

"Dear Sir: I shall proceed with General Smallwood till he joins the main army, and shall then either go to Congress or return home. I am well and desire you will inform my father thereof by the first opportunity."²

¹ MS: Letter.

² Maryland Historical Society.

The following letters, on army affairs, one from the field and the other from Congress, were written by Charles Carroll to General Washington a little later in this same month.

POTTS GROVES, 22nd September, 1777.

DEAR SIR:

I would just suggest the propriety of sending some active persons to Bristol and Trenton to impress wagons to remove what continental stores are at those places, and may be carried thither from Philadelphia in consequence of your orders to Colonel Hamilton. This measure is the more necessary as the order of Congress for removing these stores is suspended till their meeting at Lancaster, which may not be for some days. Mr. Smith, one of our delegates, being returned home I must proceed to Congress to keep up a representation from our State.

I desire my compliments to the gentlemen in your family, and wish your Excellency health and success against our common enemy.

I am with great esteem

Your most obedient humble servant

CH. CARROLL OF CARROLLTON.

To his Excellency

GENERAL WASHINGTON.¹

LANCASTER, 27th September, 1777,

DEAR SIR:

I have had some conversation with Mr. Peters, secretary to our board, who informs me that in the month of June last 1000 tin cartridge boxes were sent to the Army and delivered to a Captain French. Mr. Peters moreover informs me that to his certain knowledge several of these cartridge boxes were converted by the soldiers into

¹ Washington MSS.; Department of State.

cantines, and by some officers into shaving boxes. Commissary Flowers also acquainted me that there are now at Carlisle upwards of 2000 tin cartridges boxes; if these are wanted in the Army they may be immediately sent for.

I am sorry to observe that two officers in high command in our Army are said to be much addicted to liquor; what trust, what confidence can be reposed in such men? They may disconcert the wisest and best laid plans. Such men ought to be removed from their command and the army, for their example, besides the mischief which may be occasioned by a clouded and muddled brain, will have a pernicious influence on others. But how are they to be removed from their command? I could wish to know your Excellency's sentiments on this subject. The interest of the best and most glorious cause ought not to be sacrificed to a false delicacy. These are not times to put into competition the interests of a few with those of a great community.

Nothing but severe punishments will, in my opinion, make the Commissaries and quartermasters attentive to their duty! Your Excellency has the power, and I hope will not want the will, to punish such as deserve punishment. I hope your Excellency will excuse the freedom of this letter. My zeal for our Country, and my wishes for your success, have impelled me to write thus freely on a subject which claims all your attention, the reformation of the army, and of the abuses prevalent in the two important departments of the Quarter Masters and Commissary General. I am, with much esteem,

Your Excellency's most obedient humble servant,

CH. CARROLL OF CARROLLTON.

To his Excellency General WASHINGTON
at Head Quarters.¹

¹ *Ibid.*

Samuel Chase and Charles Carroll of Carrollton were the only delegates present from Maryland when Congress met at Lancaster, Pennsylvania, September 27th, 1777. From Lancaster the Congress went to Yorktown, September 30th. The Articles of Confederation, which had been under consideration during the summer, were taken up, and the provision for voting in Congress discussed. William Smith was in his seat, October 7th, when the vote was taken, and the three Marylanders opposed the motion for representation according to population, one for every fifty thousand inhabitants. Two other similar propositions were negatived by them, as they were by the majority of the delegates. Then the resolution was passed, "Each State shall have one vote" in determining questions.

On the 14th, the manner of constituting the Congress of the United States was considered, and it was determined that no State should have less than two or more than seven members. It was moved in Congress the following day, that it be "recommended to the Legislature of each State to lay before Congress a description of the territorial lands of each of their respective States, and a summary of the grants, treaties and proofs upon which they are claimed or established." The Maryland delegates voted for this motion, but it was defeated. The following extraordinary proposition was also negatived: "That the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the South Sea, and to dispose of all lands

beyond the boundary so ascertained for the benefit of the United States.”¹

A third motion, evidently made by one of the Maryland members, as Maryland was the only State that voted for it, was similar to the one above, except that, after “Mississippi or South Sea” the boundaries named, these words were added: “and lay out the land beyond the boundary, so ascertained, into separate and independent States, from time to time, as the numbers and circumstances of the people thereof may require.” The States were not disposed thus to sacrifice their rights and limit their sovereignty, and the single vote, outside of Maryland, given in favor of this motion was that of Jonathan Elmer of New Jersey. When the question was finally put as to the adoption of the Articles of Confederation, October 30th, the only member present from Maryland was William Smith.

The discomfiture of Burgoyne at Saratoga, taking place at this time, is the theme of congratulation in the following characteristic letter from Mons. Pliarne to Charles Carroll Sr., as it is also in a letter of Charles Carroll of Carrollton to Richard Peters, Secretary of the Board of War.

BALTIMORE, October 16, 1777.

SIR:

The first use of my time at my arrival in town has been to inquire for news to convey to you. Nothing important happened since Germantown’s affair. All the intelligence from the armies is in a letter from Mr. Chase to the Governor. Mr. Lux who has got it will give you an extract of it. You will be surprised to see Fort Mont-

¹ Journal of Congress.

gomery taken without seeing Putnam marching to defend it. The fort is about eight, ten miles above Pickskill where Putnam is encamped. Now did the transports going up the river escape to him? I must believe he has acted for the best, but if Clinton goes so rapidly he will be soon at Albany. Time will satisfy us better than all the conjectures; few weeks will bring important events. As long as I will be in the way of hearing from the armies, be sure, Sir, to receive all possible intelligence. Should Mr. Carroll leave the Congress to go to the Assembly, I will try to make his absence in those quarters insensible to you; you will have the news exactly.

How happy I will esteem myself if I can convince you of the sentiments you have inspired to me. You don't like compliments, and for fear you should take for compliments the protestations of my sincere gratitude and profound respect, I must keep within myself all my feelings, but give me leave, Sir, to tell you in every occasion, that I will be truly happy if you remember me sometimes to your esteem. I am with a sincere respect,

Sir, your most obedient humble servant

PLIARNE.

P. S.—I have tried all possible to find a man to come with me to York. None is to be got. I take the liberty to bring your boy with me to M. Buchanan. I will send him to you the same day, and it will not be difference to you. Pardon this liberty. My respectful compliments to Mrs. Darnall and Mrs. Carroll. I kiss thousand times Moly, Charles and Nancy.

In this world good and bad are so well mixed that a good thing is generally near a bad one. Fort Montgomery taken; but Burgoyne is defeated. It is now Friday, 12 o'clock noon. I just arrived at Mrs. Buchanan. Between here and Baltimore I have met a man at horse-

back. I have stopped him. Mrs. Carroll knows I stop everybody upon the road. He says to be himself express come to Congress from Albany. Burgoyne is totally defeated; the engagement took place the 3d of the month and continued till the next day. Great many killed upon the enemy; five, six hundred taken prisoners, 18 field pieces taken. This man adds great many principal officers of the enemy killed. But Burgoyne was safe in that affair. The loss of the Americans is not great; Generals Arnold and Lincoln both wounded, not dangerously. Ticonderoga was yet in the possession of Burgoyne, the French lines only occupied by a party of Americans, but all the boats are destroyed and Burgoyne cannot retreat. The express says for this time he must be himself and the trifling remains of his army, in the possession of Gates who is 16000 strong. If all this is true, General Washington will call soon that army under Gates, and when all the shipping at New York will be stopped by the frost, he will force that town and at once will take all the British troops there, Staten Island, Long Island and Philadelphia. Fine thing indeed, but it is not done yet. However, this man seems to be a true express, and I give credit to the news.

Mr. and Mrs. Buckanan desire their compliments to you and all the family. Mrs. Buckanan who sends her love to Mrs. Carroll, give me commission here to tell her that the things are not ready. She will send them down when they will be made. Now M. Carroll must pardon me for having taken the liberty to take the boy with me here—so fine news from Burgoyne pleads in my favor. Do be well and take care of your health.

CHARLES CARROLL Esq:
at his Manor.¹

¹ Maryland Historical Society.

DOOHORAGEN, 22d October, 1777.

DEAR SIR:

Yesterday we received the glorious news of the taking Burgoyne and his whole army prisoners of war. I sincerely congratulate you on this important event. I hope it will be followed by the defeat of Howe; at least by a disgraceful and precipitate retreat from the City of Philadelphia and State of Pennsylvania.

I write this letter to request the favor of you to obtain from the Board of War, two weavers from among the British prisoners. I would prefer British workmen on account of language and superior skill, to Hessians, but rather than not get weavers I must take Hessians, or else my poor slaves must go naked this winter. Mr. Attlee can inform you whether there are such workmen among the prisoners at Lancaster or Lebanon, for although the most of them have been removed, it is most probable some of them have remained behind. I must entreat you sir, to exert yourself in rendering me this essential piece of service. My father would pay them £3 a month apiece. They will be well fed, and will live in a wholesome country, and so remote that they will not be able easily to make their escape, if they should attempt it.

I hope General Washington will soon give us a fresh supply of prisoners, and from these perhaps you will be able to select the weavers, if not from those already in our possession. The weavers we want are such as have been used to weaving coarse linens and woolens.

I beg my compliments to Mrs. Peters, and remain

Dear Sir, your most humble Servant,

CH. CARROLL OF CAROLLTON.

P. S.—Please to acknowledge the receipt of this letter, and let me know whether there is any prospect of obtain-

ing soon the weavers. If they are to be had I will send for them; one, if two cannot be had will be better than none. Please to direct to me at Annapolis, as I shall be there in a few days attending our assembly.

To RICHARD PETERS Esq.
Secretary to the Board of War
At York, Pennsylvania.¹

During his service in Congress in the fall of 1777, Charles Carroll of Carrollton had continued a member of the Board of War, to which body many important letters and papers had been referred. And about this time is to be dated the beginning of the Conway Cabal, by which it was designed to force General Washington to resign the command of the army, his place to be taken by General Charles Lee or General Horatio Gates. The changes made in the organization of the Board of War in October and November, it is charged, were brought about with this end in view. General Conway, whose name has been given to the plot, had been much dissatisfied at the position assigned him, and had asserted a priority of rank in France over the Baron de Kalb, and he had written to Congress on the subject in September. On the 17th of October four members had been added to the Board of War; and on the same day, it was resolved that a Board of War be established to consist of three persons not members of Congress, to sit whenever Congress met and submit their proceedings to its supervision. All the military officers of the United States were required to observe the directions of the Board, and it

¹ Archives, Pennsylvania Historical Society.

was to have a general superintendence of all military operations.

Francis Dana of Massachusetts and J.B. Smith of Pennsylvania were added to the Board on the 17th of November, and a day or two later General Thomas Mifflin, who had just been reported by Washington for incompetency in the Quartermaster-General's office, notified to Congress his acceptance of an appointment to the new Board of War. On the 27th of November, General Gates was made President of the Board. This was the situation in November, after Charles Carroll had returned to Maryland. General Conway wrote him a letter on the 14th of this month, detailing his grievances, which epistle was read in Congress on the 24th of November, as it was a part of the correspondence of the Board of War. A letter written two days later by Monsieur Pliarne to Charles Carroll, Sr., contains allusions showing how the forces were working towards the elevation of Conway and his friends.

CAMP AT WHITE MARSH,
the 14th November, 1777.

Sir:

This day I have sent my resignation to Congress. Seven weeks ago several gentlemen wrote to me from the seat of Congress, mentioning the extraordinary discourses held by you Sir, by Mr. Lovell, Mr. Duer and some other members on account of my applying for the rank of major general. If I had hearkened to well grounded resentment, I should undoubtedly have left the army instantly. But my delicacy pointed out to me to continue in the army until the end of the campaign;

VOL. 1-15

this I have done. I look upon the campaign as finished, for I am pretty clear that since the enemy is reinforced, and has had time to secure his front with a double line of fortifications, nothing can be attempted with any degree of safety, propriety, or appearance of success. Now Sir, I will undertake to show that my request of being made a major general had nothing in it so unreasonable as to cause your astonishment, and the most disobliging reflections, thrown by you Sir, and other members of Congress.

Of all the French officers who came to this continent, I am the most advanced in rank, and the only field officer bearing rank in actual service. Chevalier de Barré was a lieutenant colonel in 1757; he was thanked in 1761; if he had continued in service he would be now a major general in the French army, and mentioned in the Military Kalendar, which is printed every year, and wherein every officer bearing rank, from the Marechal of France to the last sub lieutenant, is carefully mentioned. Baron de Kalb got a commission of lieutenant colonel, and left the army in 1762. If he had been continued in service and had bore a rank in our army, he would be in the centre of our brigadiers, but I am very certain that you'll find neither of these gentlemen in the Kalendar, because they have no rank in the army, and indeed did not interfere with it these sixteen or seventeen years passed.

I am told that Baron de Kalb has a brevet of brigadier from the Minister of the Navy, such as was obtained by Mr. Ducoudray and some of his officers. Whether he has or not, I am still certain that this brevet cannot give him the rank over me in the French army, because there has never been an instance of it in our service. I always appeal to the Military French Kalendar, which is the

true standard of rank. It was in order to guard against those sham brevets, for which I understood that some people were applying, that I made with Mr. Deane the only condition which is to be found in my agreement. The condition was that no officer who had not an equal rank with me in actual service, should be put over me. Mr. Deane promised it to me, and told me, in taking me by the hand, that I was the only gentleman who had not taken advantage of his present situation.

He directed me to encourage and bring over some officers of the Irish Brigades. I got one hundred and sixty guineas for that purpose. I gave eighty-four guineas to two officers who came over with me, and whose receipts I can produce. Seventy-six guineas I sent to four officers of the Irish Brigade who were prevented from embarking on account of the noise made about the *Amphitrite*. I charged nothing for myself although my expences to come to this country amounted to above one hundred and twenty guineas; although I am now in the case of selling my effects in order to reach some seaport. But I will not dwell upon the article of cash. After Mr. Ducoudray had left me in Port Lorient last January, I got charge of the *Amphitrite*, and of the letters for Congress, which letters I delivered to Col. Langdon upon my landing at Portsmouth. The captain of the *Amphitrite* had positive orders to sail for St. Domingo, and the Commissary of the Navy Board at Port Lorient had made him sign a formal promise not to come to this continent. He was determined to follow his orders; in order to make him alter his determination, I gave him a certificate by which I acknowledged that by violence I compelled him to infringe the King's positive orders, and steer for this continent. The captain is now in possession of the certificate. If France does not take an active

part or a public one in the present contest, the captain of the *Amphitrite*, which ship has caused such loud complaints from Lord Stormont, will be brought to an account for disobedience; he will have my certificate to produce; I may fall a sacrifice to policy, lose my rank, and the prospect of speedy promotion in France, and the fruits of thirty years constant service.

At my arrival here M. De Barré, my inferior in rank, who got six thousand livres in France, was made a brigadier, and paid as such from the month of December, when I was appointed the last brigadier of the army. After the battle of Brandywine, Baron de Kalb, also my inferior, who got about a thousand pounds here or in France, was made a major general. If I patiently bore such repeated wrongs, it might be concluded in France that I misbehaved; and indeed the Congress instead of looking upon me as an officer who enjoyed some esteem and reputation in the French infantry, must take me for a vagabond who flew here to get bread. I thank God that neither one nor the other is the case. I came over here because I liked the cause and like it still; because I was often and warmly invited by Mr. Deane. My candid way of acting with him will testify it. As to my behavior I appeal to the army.

The French gentlemen told me, Sir, that you asked in a most despising manner what I had done. Indeed I must confess that I did not do all that I wish to have done, but I hope I have done as much as was left in my power. As I am not acquainted with your gazette writers, I must tell you that upon my arrival in camp I was night and day employed in writing instructions concerning the camp, the outguards, the orders of marches, of which I found not the least notion in this army. Part of those instructions was followed, the greatest part was not; this is not my fault. I wrote several plans about

the economical administration of this army where I saw many striking abuses. I am confident that this army is sufficient [if] not to ruin, at least to distress the continent, whereas it could be kept upon a flourishing footing in saving one-third part of the money spent upon it. As [it] seems I have not been understood, at least I saw no alteration for the better.

At the Short Hills I was first ready, and first attacked, drew up in battle, stopped the enemy, and made my retreat without running, and without losing a single prisoner. The other brigade has been attacked an hour after mine, and I think I had given it full time to make a retreat. At Brandywine my brigade remained the last upon the ground, and though I had been abandoned pretty early by the brigades of the right and left, my brigade continued fighting until it was flanked on both sides by the enemy. That same brigade was the first or rather the only brigade that rallied to oppose the enemy's pursuit, when for want of ammunition it was ordered to be relieved at the close of the evening by a French brigade which had not yet been engaged. At Germantown, with little better than four hundred men, I began the attack, and was fighting three quarters of an hour before any individual came to support me.

You asked upon what grounds I could call for the rank of major general. Because I can be more useful at the head of a division than at the head of a small brigade. Because in my young days I had a larger command before the enemy than what I have had in your army. Because being those twenty years constantly studying military operations, having travelled through Europe to take a view of the different armies, having been lately employed in making out a set of field manoeuvres, having practiced and tried said manoeuvres last year in the presence of several experienced generals, both German and French,

I thought myself more qualified to command a division than such major generals who had never seen a line of battle as they confess themselves, before Brandywine, and as it too well appeared.

It was for want of knowledge and practise in forming the lines that Brandywine was partly lost. I can assign many other reasons for the loss of that battle. It was for want of forming the line and of manoeuvring that we miscarried at Germantown, our left wing composed of the largest part of our army, having lost near an hour in an useless counter-march, as it appears by the several testimonies given at a court martial now sitting, of which I am a member. I am far from thinking myself a general, but I believe that after having studied and practiced this trade steadily during almost all my life, I may venture to say that I know somewhat more of it than the brave, honest men who never made it their business. I have much regard for Baron de Kalb and think that the continent has made in him the acquisition of a good officer, but I can venture to say that I have gone through and seen at least as much service as he did.

This letter, sir, if you have patience enough to read it, will convince you that my request of being made a major general was not altogether as impertinent as you, sir, and other gentlemen have styled it. I was much surprised at the reflections which you made upon the subject, as I am conscious that I have done nothing in my life that could make me contemptible in the eyes of any honest man. I suppose that your strange opinion of me originates from the misfortune I have of not being better known to you. However I shall always cherish the cause I fought for, and shall be very happy to hear of its success.

I am, with much regard, Sir,

Your obedient, humble servant

T. CONWAY.

[Endorsed] Letter from T. Conway to Charles Carroll Esq., or in his absence to Secretary of Congress, Nov. 14th, read 24th Nov. 1777. General Conway to be requested to attend the Board.¹

YORKTOWN, November 26th, 1777.

DEAR SIR:

I had the pleasure to write to you yesterday that Cornwallis was gone to attack Red Bank. Just this moment we learn that the fort was evacuated last Friday. This intelligence comes by officers who have left the army few days ago, and nobody doubts it. The gallies are gone up to Burlington, so the river is entirely in the power of Howes.

I have just seen a French officer who left the army last week. He says confusion and bad discipline prevailed too much to expect anything good, and in every case it is almost impossible to attack Howe in Philadelphia, though everybody cries against poor General Washington.

Conway is at Reading and has left the army, but the Congress conscious of their love in so able man intend to offer him the [word illegible] employment of Adjutant General, and I think he will receive it. With him, and the Board of War filled by Gates, Mifflin and some other experienced officer, the army will be this winter altered for the best. Some reinforcements from the Northern army are with General Washington. I have an opportunity to send down to Baltimore this piece of intelligence by a gentleman who sets off in two minutes, and leaves only the time to assure you that I am for life, with a sincere respect,

Dear Sir, your most obedient servant,

PLIARNE.

¹ MSS., Department of State.

P.S.—My best respects to Mrs. Damall, to whom I beg Mr. Carroll to deliver the message to. My compliments to Captain Ireland. The Congress has received intelligence that last week the English made a sortie from Philadelphia and burnt all the houses upon the Germantown road, about Mr. Dickinson's seat, which has the same fate. They were the finest country-houses in that part.

To CHARLES CARROLL of Carrollton, Senior, Esq.

At Elkridge,

To the care of Miss Godard,

At the Post Office, Baltimore.¹

The Maryland Assembly met on Wednesday, October 22d, 1777, but it was not until the 31st that Charles Carroll of Carrollton took his seat in the Senate. Charles Carroll, barrister, arrived still later, on November 7th. The act to procure clothing for Maryland's quota in the Continental army passed the Senate on the 24th of November, and was probably drafted by Charles Carroll of Carrollton, who carried it to the House on this day. Daniel Carroll of Rock Creek was elected to the Council at this time, making three of the name in the Maryland government.

A commission was proposed at this session, to settle with Virginia the disputed questions of the jurisdiction and free navigation of the rivers Potomac and Pocomoke, and the Chesapeake Bay. The "Articles of Confederation and Union between the United States," were received from Congress, with resolutions of that body for raising a sum of money

¹ Maryland Historical Society.

by taxation for supplying the army with clothing; for regulating the prices of commodities throughout the United States; and for the confiscation and sale of forfeited estates.¹ These papers were all taken to the House of Delegates by Charles Carroll of Carrollton. The members of Congress were elected on the 5th of December. These were Samuel Chase, William Paca, George Plater, Charles Carroll of Carrollton, Thomas Stone, and Joseph Nicholson.

Amendments to an “act for the better security of the government,” requiring Quakers and others to take the oath of allegiance, or forfeit a part of their property, were defeated in the Senate a few days later, Charles Carroll of Carrollton, George Plater, William Paca, and Turbutt Wright voting for their passage.

On the 16th of December a message was received from the House relative to the recommendation of Congress that Commissioners from Virginia, Maryland, and North Carolina should meet at Fredericksburg on the 15th of the following month, to regulate and ascertain the price of labor, manufactures, internal produce, and commodities imported from abroad. Other business in which Charles Carroll of Carrollton is seen to have been prominent, occupied the Senate up to the 19th, when the subject of appointing the Commissioners to meet those of Virginia, to settle the jurisdiction of the rivers and bay dividing the two States, was taken up. Charles Carroll of Carrollton, Thomas Stone, and Brice Thomas Beale Worthington were nominated a committee by the

¹ Journal of the Maryland Senate.

Senate to unite with one from the House to draw up instructions for the guidance of the Maryland Commissioners. Daniel of St. Thomas Jenifer was afterwards substituted for Brice Thomas Beale Worthington. And on the 21st, Jenifer, Stone, and Chase were elected Commissioners. It was resolved “that they will meet the Commissioners of Virginia at Alexandria, on Monday, 2nd of February next or at any other time or place more convenient to the Virginia Commissioners.”¹ Charles Carroll of Carrollton carried these resolutions to the House, and on the 22d, the day before the Assembly adjourned, he brought in the report of the committee to prepare instructions for the Commissioners. They consisted of a preamble and three “particulars.”

“First, that Virginia should relinquish the claim to impose tolls on vessels sailing through the capes of Chesapeake Bay, either to or from Maryland; Second, that the Commissioners should endeavor to settle the jurisdiction over that part of the Bay lying within the limits of Virginia; that crimes committed there against subjects of Maryland, either by Marylanders or any other persons not subjects of Virginia, should be tried in the courts of Maryland. And thirdly, that the use and navigation of the two rivers dividing Maryland and Virginia should be free to the subjects of both States, as well as to all other persons trading to either State, each State having the right of imposing tolls, duties or customs on vessels coming into its respective ports on these rivers.”²

On the 22d of December also, the delegation to Congress was altered by the substitution of James

¹ *Ibid.*

² *Ibid.*

Forbes and John Henry for William Paca and Joseph Nicholson who had declined the election.

Charles Carroll made his appearance in Congress, January 17th, 1778, accompanied by James Forbes, the earliest of the Maryland delegation to take their seats at this session. John Henry arrived January 20th, and on that day Congress resolved that two members be added to the committee appointed, by a resolution of the 10th of January, to repair to camp and inquire into the state of the troops. The two gentlemen added to the committee were Charles Carroll of Carrollton and Gouverneur Morris. The three original members of the committee were Francis Dana, Joseph Reed, and Nathaniel Folsom. Congress had decided "that it was essential to the promotion of good discipline and economy in the army of these States, that speedy and effectual means be taken for reducing the number of regiments in Continental service and reforming abuses which have long prevailed in different departments of the army."¹ To this end the three members of Congress, with three members of the Board of War, were made a committee, to attend at General Washington's headquarters, and in concert with him, form and execute a plan for the purpose above stated. Charles Carroll of Carrollton remained nearly three months at Valley Forge, on this business. Washington prepared a memoir of fifty folio pages in the form of a letter to the committee, containing his views and those of his officers, and this paper was used by these gentlemen and became the basis of their report.²

¹ Journal of Congress, January 10th, 1778.

² Ford's "Writings of Washington," vol. vi., p. 300.

We find Charles Carroll again in his seat, April 13th, and Gen. Charles Lee, in writing to the President of Congress about his exchange, April 17, 1778, asks him "to put the affair into the hands of some of my particular friends, Mr. Lee, Mr. Carroll or Mr. Chase."¹ These gentleman, Richard Henry Lee, Charles Carroll of Carrollton, and Samuel Chase were, of course, wholly ignorant, as were most of General Lee's contemporaries, of the real character of the false-hearted Englishman who thus claimed them as his "particular friends." It was at Valley Forge in the early part of January, before Charles Carroll arrived there, that Generals Gates, Charles Lee, and Conway first met to mature their plans for displacing Washington. But imprudent words used by an aid-de-camp of Gates, and reported by a friend of Washington to his chief, with a letter of Conway to Gates which fell into Washington's hands, disclosed the plot in time to render it abortive.

Of the Cabal, as far as it affected the members of Congress, we have no certain information. A recent Maryland historian writes: "The movement was headed by the Lees and Adamses; but it was resisted and ultimately defeated by Charles Carroll of Carrollton, Morris and Duer."² Great injustice is here done to the Lees of Virginia, whatever may be said of the Adamses. Richard Henry Lee denied any knowledge of the existence of such a design among the members of Congress, as did Benjamin Harrison and others. Certainly, if such a faction

¹ The Lee Papers, vol. ii., p. 390. New York Historical Society Collections.

² Scharf's "History of Maryland," vol. ii., p. 342.

existed, the Virginians were no parties to it. Without doubt, Charles Carroll of Carrollton was a firm friend always of the Commander-in-chief, admiring his abilities and integrity, and fully believing in his fitness for his high position. And it may be safely assumed that he used his influence to support General Washington against those who antagonized him, whether in camp or in Congress.

The following letters were written by Charles Carroll of Carrollton to Governor Johnston in April and May, 1778, and give an insight into the operations of Congress at this time, with other items of public interest.

YORK, 21st April, 1778.

DEAR SIR:

By a letter from General Smallwood of the 17th instant from Wilmington, we are informed of an insurrection of the Tories, at a place called Jordan's Island, ten miles from Dover. Smallwood apprehends this insurrection may become very serious unless speedily suppressed. This letter is referred to a committee of which I am one. We shall report that you be requested to call out 300 of the militia from the adjacent counties of Maryland and put them under a spirited and active officer who will receive his instructions from a committee of Congress. I beg your attention to this business. Smallwood writes that we have considerable stores at Charles Town, which he fears may be taken or destroyed by these insurgents. If we have any considerable stores at Charles Town, or at any other place near the Bay, they run an equal or greater danger of being destroyed by parties from the enemy's shipping. You cannot take too much precaution to secure these or any other stores that may be near the water.

Mr. Henry has sent you a copy of draughts of two bills, which as they are of a most insidious tendency, I make no doubt have long since been passed into Acts of Parliament. I wish you would employ some ingenious writer to combat and expose the perfidiousness of our enemies; they stop at nothing, the whole British nation seems rising against us. They will unite art and force to conquer us. I am persuaded they will send over during the course of the summer and fall, at least 14,000 men, principally British. Is it not strange that the lust of domination should force the British nation to greater exertions, than the desire of liberty can produce among us?

By the *Mercury* packet in seven weeks and three days from Falmouth, we hear that all hopes of an amicable settlement between the Turks and Russians were at an end. By a courier who arrived at Warsaw the middle of December, there was reason to believe hostilities had then, or were on the point of being commenced. The Elector of Bavaria is dead; his death may possibly involve Germany in a war.

If our people would but exert themselves this campaign, we might secure our liberties forever. General Washington is weak; reinforcements come in slow. Try for God's sake and the sake of human nature, to rouse our countrymen from their lethargy. Gates will command a body of men in the Highlands on Hudson's River, for the security of its navigation. The Congress do worse than ever; we murder time and chat it away in idle, impertinent talk. However, I hope the urgency of affairs will teach even that body a little discretion.

I wish you health and happiness, and am with great regard, Dear Sir, your most humble servant,

CH. CARROLL OF CARROLLTON.¹

¹ Maryland Historical Society.

April 23d, 1778.

DEAR SIR:

By this opportunity you will receive draughts of two bills and Lord North's speech ushering them into the House of Commons. I have little doubt myself but that these bills have long since been clothed with all the formalities of law. If Lord North's speech is genuine (and I think we have no reason to suspect it to be otherwise) we may fairly conclude that the Administration begin to see the impracticability of reducing these States, or of retaining them, when reduced, in such a state of subordination as to be useful to Great Britain. The heavy and increasing expence of the war, a jealousy of France and Spain, perhaps the appearance of an approaching rupture in Germany about to be occasioned by the death of the Elector of Bavaria, the actual commencement of hostilities between Russia and the Porte, have forced the British Ministry on this measure. However I am satisfied they will try the arts of negotiation first, in order to divide us, if possible, and will hazard another campaign, before they acknowledge the independence of these States.

To withstand their hostile efforts this campaign, which I am convinced will be vigorous, and to counteract their insidious proffers of reconciliation, it will be absolutely necessary to have a very respectable force in the field this year, and if a right and dexterous use is made of the Minister's speech, it will probably much promote the recruiting service among us. In a word if we guard against their insidious offers on the one hand, and can resist their warlike efforts on the other during the ensuing campaign, I have not the least doubt but that they will acknowledge our independency next winter, or spring, particularly if no alliance between these States or any other European power be concluded on in the interim.

The *Raleigh* continental frigate is arrived at Portsmouth in thirty-two days from France; the *Alfred* which sailed with her is taken. We have not yet received by this opportunity any dispatches from our Commissioners at Paris, though I do not yet despair of receiving them, as the express may be on the road. The Congress has passed some observations on the two draughted bills, to counteract their obvious design, or at least the possible bad effects they might produce in the minds of the people, if published without such strictures. These observations will be printed today; they will be immediately distributed throughout the United States. I fear they are not so perfect as they ought to be, but the hurry of business, and the want of time must, and will, no doubt, sufficiently apologize with an impartial public, for all their imperfections. I am with real regard, dear Sir,

Your most humble Servant,

CH. CARROLL OF CARROLLTON.¹

Monday, 27th April, 1778.

DEAR SIR:

We have your letter and have written this day to Mr. Morris for the articles therein mentioned. Our letter is gone by an express which the president had occasion to send in order to return the original of the enclosed copy of a letter from Gov. Johnstone to Mr. Morris. Your application to Congress for \$100,000 shall be laid before Congress tomorrow. We will write you the result by the first opportunity. Gen. Amherst, Gen. Murray and Admiral Keppel are the commissioners coming out under the Act of Parliament for offering terms of peace and

¹ *Ibid.* The original was sent to Jared Sparks to be used "in a volume of Fac Similies which the said Sparks designs to publish of Letters of distinguished Revolutionary characters."

reconciliation. Gen. Howe is recalled and Sir Henry Clinton is to succeed him, but I apprehend only till Genl. Amherst's arrival. I think as he is one of the Commissioners, he will have the supreme command of the army.

I think we may fairly conclude from Gov. Johnstone's letter and from the articles in the newspapers which you have seen, that some treaty or the preliminaries of a treaty, have been entered into between France and our commissioners. We have had no letters from them since last May; several, no doubt, have been intercepted. The Administration getting wind of this treaty, have been induced thereby to offer terms to this country; but no terms short of independence are, in my opinion, admissible without the utmost danger and disadvantage to these States.

I am with great esteem, dear Sir,
Yours etc.,

CH. CARROLL OF CARROLLTON.

N.B. Do not print Gov. Johnstone's letter, as it is a private letter. Genl. Lee is exchanged for Genl. Prescott.¹

1778, 11th May.

DEAR SIR:

Mr. Brown of Annapolis has applied to me to intercede with you or some gentlemen of the Council, to grant him leave to go to Philadelphia, from which place he may embark for England. I would not endeavour to persuade or influence you or any man to do what I would not do in a similar situation. I think Mr. Brown's request highly reasonable; from indulging it no possible inconvenience can result to the public. If it should be thought necessary Mr. Brown may be put on oath not to divulge to the enemy anything of importance that may

¹ *Ibid.*

come to his knowledge respecting our situation or preparations. It seems to be very hard to detain a man in a place in which he is cut off from all intercourse with his friends and connections and even from the means of subsisting. If this matter should appear to you in the same light it strikes me, neither you or the Council will make the least difficulty in granting Mr. Brown his request.

Yesterday Mr. Henry sent to Mr. William Lux by one David Poe, thirty six thousand dollars, part of the one hundred thousand obtained lately from Congress. Mr. Henry wrote by the same opportunity to Mr. Lux desiring him to forward the money on to you as soon as possible.

I sincerely rejoice with you on the treaty entered into with France, and on the favorable dispositions of the most considerable European States. For news I refer you to my letter to Mr. Chase, which I shall write tomorrow morning, as I understand an express from our General is on his way to Congress.

I am with great regard and esteem, dear sir,

Your most humble servant,

CH. CARROLL OF CARROLLTON.¹

¹ *Ibid.*

APPENDIX A.

LETTERS OF THE "FIRST CITIZEN"
FROM
THE *Maryland Gazette*
OF

1. FEBRUARY 4TH, 1773.
2. MARCH 11TH, 1773.
3. MAY 6TH, 1773.
4. JULY 1ST, 1773.

APPENDIX B.

JOURNAL OF CHARLES CARROLL OF CARROLLTON.

1776.

LETTER I.

February, 4th, 1773.

The First Citizen to the Editor of the Dialogue between Two Citizens:

SIR, the intention of this address is not to intice you to throw off a fictitious and to assume a real character, for I am not one of those who have puzzled themselves with endless conjectures about your mysterious personage; a secret too deep for me to pry into, and if known, not of much moment; of as little is it in my opinion whether your complexion be olive or fair, your eyes black or gray, your person strait or incurvated, your deportment easy and natural, insolent or affected. You have, therefore, my consent to remain concealed under a borrowed name, as long as you may think proper. I see no great detriment that will thereby accrue to the public; *you* will be the greatest, nay, the only sufferer; your fellow citizens, ignorant to whom they stand indebted for such excellent lucubrations, will not know at what shrine to offer up their incense, and tribute of praise; to you this sacrifice of glory will be less painful, as *you are not actuated by vanity or a lust for fame*, and in obscurity you will have this consolation still left, the enjoyment of conscious merit, and of self-applause. Modest men of real worth are subject to a certain diffidence, called by the French *la mauvaïse honte*,¹ which frequently prevents their rising

¹ An awkward bashfulness.

in the world; you are not likely, I must own, to be guilty of that fault; *in vitium ducit culpæ fuga*¹; you seem rather to have fallen into the other extreme, and to be fully sensible of the wisdom of the French maxim, *il faut se faire valoir*² which for the benefit of my English readers I will venture to translate thus, “a man ought to set a high value on his own talents.” This saying is somewhat analogous to that of Horace: *Sume superbrain qucesilam merilis*.³ As your manner of writing discovers a vast erudition, and extensive reading, I make no doubt you are thoroughly acquainted with the Latin and French languages, and therefore a citation or two from each may not be unpalatable. Having paid these compliments to your literary merit, I wish it were in my power to say as much in favor of your candour and sincerity. The editor of the dialogue between the two Citizens it seems, is the same person, who *overheard and committed to writing the conversation*. I was willing to suppose the editor had his relation at *second hand*, for I could not otherwise account for the lame, mutilated and imperfect part of the conversation attributed to me, without ascribing the publication to downright malice, and willful misrepresentation. Where I can, I am always willing to give the mildest construction to a dubious action. The editor has now put it out of my power of judging thus favorably of him, and as I have not the least room to trust to his impartiality a second time, I find myself under the necessity of making a direct application to the press, to vindicate my intellec-

¹ Hor., “A.P.,” 31 (*In vitium ducit culpæ fuga si caret arte*). *The avoiding one fault is apt to lead into another.*

² In the text these words have received a liberal interpretation; they mean strictly that a person should assume a proper consequence.

³ Hor., “C.,” iii., 30, 14. May be translated—Assume a pride to merit justly due.

tual faculties, which no doubt have suffered much in the opinion of the public (notwithstanding its great good nature) from the publication of the above mentioned dialogue.

The sentiments of the First Citizen are so miserably mangled and disfigured, that he scarce can trace the smallest likeness between those which really fell from him in the course of that conversation, and what have been put into his mouth.

The First Citizen has not the vanity to think his thoughts communicated to a fellow citizen in private of sufficient importance to be made publicly, nor would he have had the presumption to trouble that awful tribunal with his crude and indigested notions of politics, had they not already been thus egregiously misrepresented in print. Whether they appear to more advantage in their present dress, others must determine; the newness of the fashion gives them a quite different air and appearance; let the decision be what it will, since much depends on the manner of relating facts, the First Citizen thinks he ought to be permitted to relate them his own way.

Ist Citizen: I am sorry that party attachments and connexions have induced you to abandon old principles; there was a time, Sir, when you had not so favorable an opinion of the integrity and good intentions of Government as you now seem to have. Your conduct on this occasion makes me suspect that formerly *some men, not measures*, were disagreeable to you. Have we reason to place a greater confidence in our *present rulers*, than in those to whom I allude? Some of the present set (it is true) were then in power, others indeed were not yet provided for, and therefore a push was to be made to thrust them into office, that all power might centre in *one family*. Is all your patriotism come to this?

2nd Citizen: I do not like such home expostulations, convince me that I act wrong in supporting Government and I will alter my conduct, no man is more open to conviction than myself—(Vide Dialogue to the words—“Would be all fair argument.”)¹

1st Citizen: I am not surprised that the threadbare topics of arbitrary princes, and proclamations, should give you uneasiness. You have insinuated that the repetition of them is tiresome, but I suspect the true cause of your aversion proceeds from another quarter. You are afraid of a comparison between the *present ministers* of this province, and *those* who influenced Charles the First, and brought him to the block; the resemblance, I assure you, would be striking. You insinuate that “*The opinions of the greater Council in England*” are come to hand, in favor of the Proclamation, and 40 per poll, and you seem to lay great stress on those opinions. A little reflection and acquaintance with history will teach you, that the opinions of *Court Lawyers* are not always to be relied on; remember the issue of *Hambden’s* trial, “*The prejudiced or prostituted judges (four excepted),*” says Hume, “*gave sentence in favor of the Crown.*” The opinion even of a Camden, will have no weight with me, should it contradict a settled point of constitutional doctrine. On this occasion I cannot forbear citing a sentence or two from the justly admired author of the “*Considerations,*” which have made a deep impression on my memory. “*In a question [says that writer] of public concernment, the opinion of no Court Lawyer, however respectable for his candour and abilities, ought to weigh more than the reasons adduced in support of it.*” He then gives his reasons for this assertion; to avoid prolixity I must

¹ The reference here is to the “Dialogue between Two Citizens,” or the first paper of Daniel Dulaney’s, *Maryland Gazette*, January 7th.

refer you to the pamphlet; if I am not mistaken you will find them in page 12. Speaking shortly after of the opinions of Court Lawyers upon *American affairs*, he makes this pertinent remark. "They [Court Lawyers' opinions] *have been all strongly marked with the same character; they have been generally very sententious, and the same observation may be applied to them all, they have declared THAT to be LEGAL which the minister for the time being has deemed to be EXPEDIENT.*" Will you admit *this to be fair argument?*

2nd Citizen: I confess it carries some weight with it; I cannot with propriety dispute the authority on which it is rounded; make, therefore, the most of my concession. Should I admit your reasoning on this head to be just, does it follow that the Court and Country interests are incompatible, that Government and Liberty are irreconcilable? Is every man, who thinks differently from you on public measures, influenced or corrupted?

1st Citizen: "God forbid it should be the case of every individual." I have already hinted at the cause of your attachment to Government; it proceeds, I fear, more from personal considerations than from a persuasion of the rectitude of our Court measures; but I would not have you confound Government with the officers of Government; they are things really distinct, and yet in your idea, they seem to be one and the same.

Government was instituted for the general good, but officers intrusted with its powers have most commonly perverted them to the selfish views of avarice and ambition; hence the Country and Court interests, which ought to be the same, have been too often opposite, as must be acknowledged and lamented by every true friend to liberty. You ask me are Government and Liberty incompatible? Your question arises from an abuse of

words, and confusion of ideas; I answer that so far from being incompatible, I think they cannot subsist independent of each other. A few great and good princes have found the means of reconciling them even in despotic States; Tacitus says of Nerva: "*Res olim dissociabiles miscuit principatum ac libertatem.*"¹ A wicked minister has endeavoured, and is now endeavouring in this *free government*, to set the power of the supreme magistrate above the laws; in our mother country, such ministers have been punished for the attempt with infamy, death, or exile. I am surprised, that he who imitates *their* example, should not dread *their* fate.

2d Citizen: This is not coming to the point, you talk at random of dangers threatening liberty, and of infringements of the Constitution, which exist only in your imagination. Prove, I say, *our ministers* to have advised unconstitutional measures, and I am ready to abandon them and their cause; but upon your *ipse dixit*, I shall not admit those measures to be unconstitutional, which you are pleased to call so, nor can I allow all these to be Court hirelings, whom you think proper to stigmatize with that opprobrious appellation, and for no other reason but that they dare exercise their *own judgment in opposition to yours*. (Read the 2d Citizen's harangue from the last words—*opposition to yours*—to the following inclusively—*sweat of his brow*.)²

1st Citizen: What a flow of words! how pregnant with thought and deep reasoning! If you expect an an-

¹ Tacitus, "Agricola," ch. 3 (*quamquam... Nerva Cæsar res olim dissociabiles miscuerit, principatum ac libertatem*).

Thus translated by Gordon; Nerva blended together two things once found irreconcilable—Public Liberty and sovereign Power.

² "Dialogue between Two Citizens," *Maryland Gazette*, January 7th.

swer to all the points on which you have spoken, you must excuse my prolixity, and impute it to the variety of matter laid before me. I shall endeavour to be concise, and if possible avoid obscurity. You say, *I know not what or whom I mean by we, and the friends of the Constitution*; I will tell you, Sir, whom I do not mean, from whence you may guess at those whom I do. By friends of the Constitution I mean, not those, whose selfish attachment to their interest has deprived the public of a most beneficial law, from the want of which, by your own account, "*our staple is fallen into disgrace in foreign markets, and every man's property in a degree decreasing and mouldering away.*" I mean not, *those few*, out of tenderness and regard to whom, the general welfare of this province has been sacrificed; to preserve *whose* salaries from diminution, the fortunes of all their countrymen have been suffered to be impaired; I mean not those, who advised a measure which cost the first Charles his crown and life; and who have dared to defend it upon principles more unjustifiable and injurious than those, under which it was at first pretend- edly palliated. You see, Sir, I adopt the maxim of the British Constitution, *The King can do no wrong*; I impute all the blame to his ministers, who if found guilty and *dragged to light*, I hope will be made to feel the resentment of a free people. But it seems, from your suggestion, that we are to place an unlimited trust in the men, whom I have pretty plainly pointed out, because they are men of great wealth, and have "*as deep a stake in the safety of the constitution as any of us.*" Property even in *private* life, is not always a security against dishonesty; in *public*, it is much less so. The ministers, who have made the bold- est attacks on liberty, have been most of them, men of affluence; from whence I infer, that riches, so far

from insuring a minister's honesty, ought rather to make us more watchful of his conduct.

You go on with this argument, and urge me thus, "*Do I conceive that such men can possibly be hired unless they be overtaken by infatuation, to engage to pull down a fair and stately edifice, with the ruins of which, as soon as it is levelled to the ground, they and their families are to be stoned to death.*" I have read of numberless instances of such infatuation; there are now *living examples* of it; the history of mankind is full of them; men in the gratification of sensual appetites, are apt to overlook their future consequences; thus for the present enjoyment of wealth and power, liberty in reversion will be easily given up; besides, a perpetuity in office may be aimed at; hopes may be entertained that the *good thing*, like a precious jewel will be handed down from *father* to *son*. I have known men, of such meanness, and of such insolence (qualities often met with in the same person) who exclusive of the above motives, would wish to be the first slave of a sultan, to lord it over all the rest; power, sir, power is apt to pervert the best of natures; with too much of it I would not trust the milkiest man on earth; and shall we place confidence in a *minister* too long inured to rule, grown old, callous and hackneyed in the crooked paths of policy?

2nd Citizen: "*I do not choose to answer this last question.*" You grow warm and press me too close. But why is all your indignation poured out against our ministers, and no part of it reserved for the lawyers, those cutthroats, extortioners, those enemies to peace and honesty, those *rei publicæ portenta ac pæne funera*,¹ to use the energetic words of Tully, because I can find none

¹ Cic., Prov. Cons., 1,2. (*Gabinus et Piso duo rei publicæ protenta ac pæne funera.*)

in English to convey my full meaning, but by comparing *our harpies* to those two monsters of iniquity, Piso and Gabinius.

Mr. Melmoth, the elegant translator of Cicero's familiar letters, makes this remark on the 8th letter of the first book, Vol. I. "Cicero has delineated the characters at large of these consuls (Piso and Gabinius) in several of his orations, but he has in two words given the most odious picture of them that exasperated eloquence perhaps ever drew where he calls them 'duo rei publicæ ac pæne funera'—an expression for which modern language can furnish no equivalent."

1st Citizen: From this vehemence of yours, I perceive you are one of those who have joined in the late cry against lawyers; from what cause does all this rancour and animosity against these gentlemen proceed? Is it a real tenderness for the people, which has occasioned such scurrility and abuse? Or does your hatred, and that of your kidney, arise from disappointment and the unexpected alliance between the lawyers and the people, in opposition to officers. This alliance, I know, has been termed unnatural, because it was thought contrary to the lawyers interests to separate themselves from the officers; since a close and firm union between the two, would probably secure success against all patriotic attempts to relieve the people from their late heavy burthens, of which too great a part still subsists.

2nd Citizen: "For heaven's sake to what purpose is all this idle talk? You well know it does not touch us, we are not galled, and therefore need not wince." But reconcile if you can, the inconsistency of conduct, with which some of your favourites may be justly reproached; I have one or two in my eye (*great patriots*) whose conduct, I am sure, will not bear a strict scrutiny. *I can tell them*

with truth. (Vide dialogue from the last words, to these—"glorious and patriotic particulars.")¹

1st Citizen: Is it a crime then to be seen in the company of certain great officers of government? Surely their principles must be pestilential indeed, whose very breath breeds contagion. But you can name "the very appointments they have laid their fingers upon, you are well apprized of their eager impatience to get into office;" if you are well assured of all this, if you can name the appointments, why, in God's name, do it: speak out at once, undeceive me, show me that I have mistaken my men, that I have been imposed on. For never will I deem that man a fast and firm friend to his country or fit to represent it, who under their circumstances applies for, or accepts an office from government; the application for or the acceptance of a place by the persons alluded to would, in my opinion, as much disqualify them for so important a trust, as the duplicity of character which you lay to their charge.

2nd Citizen: Do not mistake my meaning, or wilfully misrepresent it; I do not pretend to insinuate, that a person accepting a place thereby becomes unfit for a representative, but that no dependence can be placed in one who declaims with virulence against *officers*, and yet would readily take an office.

1st Citizen: So I understood you; have I put a different construction on your meaning?

2nd Citizen: Not expressly, but you seem to think the acceptance of a place as exceptional, as duplicity of conduct; I am not quite of that opinion.

1st Citizen: There we differ then; I esteem a double dealer, and an officer equally unfit to be chosen a mem-

¹ "Dialogue between Two Citizens," *Maryland Gazette*, January 7th.

ber of Assembly; for this opinion I have the sanction of an act of Parliament, which vacates the seat of a member in the House of Commons on his obtaining a post from Government, presuming that men under the bias of self interest, and under personal obligations to government, cannot act with a freedom and independence becoming a representative of the people. The act, it is true, leaves the electors at liberty to return the same member to Parliament, in which particular (be it spoken with due deference) it is more worthy our censure than our imitation; I have a wide field before me, but I perceive your patience begins to be exhausted, and your temper to be ruffled. I have told some disagreeable truths with a frankness which may be thought by a person *of your steadiness and importance*, somewhat disrespectful; I leave you to ponder in silence, and at leisure on what I have said. Farewell.

LETTER II.

—“*Though SOME counsellors will be found to have contributed their endeavours, yet there is ONE who challenges the infamous preeminence, and who by his capacity, craft, and arbitrary counsels,¹ is entitled to the first place among these betrayers of their country.*”—Hume’s “Hist. of Eng.,” vol. v., p. 243, 4 to edit.

The most despotic councils, the most arbitrary measures, have always found some advocates, to disgrace a free nation. When these men, in the room of cool, and dispassionate reason, substitute virulent invective, and illiberal abuse, we may fairly presume, that arguments are either wanting, or that ignorance and incapacity know not how to apply them.

Considering the known abilities, as a writer of the person pointed out to be the principal adviser of the “Proclamation,” considering too, his legal and constitutional knowledge, we can hardly suppose, if solid reasons could be adduced in support, or extenuation, of that measure, but what they would have been urged, with all the force of clear, nervous and animated language. There will not, I imagine, be wanting lawyers, to undertake a refutation of Antillon’s legal reasoning in favor of the

¹ The words in small roman letters are substituted instead of the words *enterprise*, and *courage*, made use of by the historian.

Proclamation; I shall therefore examine his defence of it, rather upon constitutional principles, and endeavor to show, that it is contrary to the spirit of *our constitution*, in particular, and would, if submitted to, be productive of fatal consequences; but previous to my entering upon this inquiry, it will be necessary to expose the “*shameless effrontery*” with which Antillon has asserted facts, entirely destitute of truth, and from which he has taken occasion to blacken the character of a gentleman, totally unconnected with the present dispute. Who that gentleman is, no longer remains problematical; the place of his education, and his age, have been mentioned, to fix the conjectures of the public, and to remove all doubt. “He instigated by inveterate malice, has invented falsehoods for incorrigible folly to adopt, and indurated impudence to propagate,” of this Antillon has confidently accused him, but upon what proof? on no other than his own conjecture.

The First Citizen avers (and his word will be taken sooner than Antillon’s) that he wrote the dialogue between two citizens published in the *Maryland Gazette* of the 4th instant, without the advice, suggestion, or assistance of the supposed *author* or *coadjutor*. But the First Citizen and the Independent Whigs are most certainly confederated; they are known to each other; an assertion this, Antillon, equally rash and groundless with your former. Why do you suppose this confederacy? From a similitude of sentiments with respect to your conduct, and Proclamation? If so, then indeed are nine-tenths of the people of this province confederated with the First Citizen. The Independent Whigs, however, as it happens, are unknown to the First Citizen; of their paper he had not the least intelligence, till he read it in the *Maryland Gazette* of the 11th instant. He now takes

this opportunity of thanking these gentlemen for the compliments, which they have been pleased to bestow on his endeavors, to draw the attention of the public, from other objects, to the real authors, or rather *author* of all our evils.

With what propriety, with what justice can Antillon reproach any man with malignity, when stimulated by that passion, he accuses others without proof of being confederated with the First Citizen, and from mere suspicion of so treasonable a confederacy, vomits out scurrility and abuse against imaginary foes? Not content with uttering falsehoods, grounded solely on his own presumption, he has imputed the conduct of “*one of the confederates*” to a motive, which, if real, can only be known to the great searcher of hearts. This *confederate* is represented as “wishing most devoutly” (a pious and Christian insinuation) for an event of all others the most calamitous, the death of a most loved parent; ungenerous suggestion, unfeeling man! do you really entertain such an opinion of the son? Do you desire, that the assigned cause of the imputed wish should have its intended effect, create uneasiness, a coolness or distrust? What behavior, what incident, what passage of his life, warrant this your opinion of the son, supposing it to be real? That they have always lived in the most perfect harmony, united by nature’s strongest ties, parental love, filial tenderness and duty, envy itself must own. *That father*, whose death the son devoutly wishes for, never gave him cause to form a wish so execrable; he has been treated with the utmost affection and indulgence by the father; in return for all that tenderness and paternal care—

“ Him let the tender office long engage,
To rock the cradle of reposing age;

With lenient art extend a father's breath,
Make languor smile, and smoothe the bed of death."

POPE.

I cannot conceive what "the generous and spirited behavior of one of the confederates" (who, by the bye, is no confederate) on a former occasion, has to do with the present question, unless to divert the attention from the subject, or to introduce a specimen of satire and falsehood prettily contrasted in antitheses. The period, I confess, runs smooth enough; but Antillon, let me give you a piece of advice, though it comes from an enemy, it may be useful; whenever you mean to be severe, confine yourself to truth, illiberal calumny recoils with double force on the calumniator. An expression of the First Citizen has been construed into a "*preparation*" to malign the minister's son; if this intention could be fairly gathered from the words inserted in the note¹ (and there are no other to give the least color to the charge) it would cause the First Citizen unfeigned concern. To wipe off the imputation, I must beg leave to refer the reader to the dialogue published by the First Citizen; he will there see that the Second Citizen intimates, a confidence ought to be placed in *our ministers*, because they are men of property, "and have as deep a stake in the safety of the Constitution as any of us."

In answer to this reasoning the First Citizen observes, that a minister's wealth is not always a security for his honesty; because, to increase that wealth, to maintain his seat, and to aggrandize his own, he may be tempted to enlarge the powers of the Crown (the First Citizen speaks generally), more especially should he (the minister) have any expectation of transmitting his post to one

¹ "Hopes may be entertained that the *good thing* like a precious jewel will be handed down from father to son."

of his own family, to his son, for instance. “It has been the maxim” (says a judicious historian¹) of “English princes whenever popular leaders encroach too much on royal authority, to confer offices on them, in expectation that they will afterwards become more careful, not to diminish *that power* which has become *their own*.” It is not even asserted, that the minister does actually entertain a hope of securing his office to his son, but that, possibly, he may entertain such a hope. It may be impolitic in the Supreme Magistrate, to grant offices to many of, and to continue them in the same family, but it is natural for the head of that family to wish it; if even to wish to transmit an office to his son, should be thought culpable in the father, yet still is the son exempt from all blame.

I must answer a question or two, put by Antillon, before I go into an examination of his reasons in support of the Proclamation, that the argument may be as little interrupted, and broke in upon, as possible, by topics foreign to that inquiry. Antillon asks, “What do the Confederates mean [he should have said what does the First Citizen mean] by dragging to light—made to feel the resentment of a free people—endeavour to set the power of the Supreme Magistrate above the laws—dread of such fate.” Answer—By *dragging to light*, nothing more was meant, than that the House of Delegates should again endeavour, by an humble address to the Governor, to prevail on him to disclose the ill adviser, or “those ill advisers, who have most daringly presumed to tread on the *invaluable rights* of the freemen of Maryland.”—“Made to feel the resentment of a free people” may need a little explanation; the sense of the subsequent quotations is sufficiently obvious. If the real *adviser*, or advis-

¹ Hume.

ers of the Proclamation, could be discovered, in my opinion (I do not mean to dictate, and to prescribe to the delegates of the people) they ought in justice to their constituents, humbly to address the Governor, to remove him, or them, from his counsels, and all places of trust and profit, if they be invested with such, not merely as a punishment on the present transgressor, or transgressors, but as a warning to future counsellors, not to imitate their example. I have dwelt the longer on the meaning of the words—"made to feel the resentment of a free people," because I perceive pusillanimity and conscious guilt have inferred from the expression, "a sanguine hope in the 'Confederates' that the free people of Maryland will become a lawless mob at their instigation, and be the dupes of their infernal rage."

Sleep in peace, good Antillon, if thy conscience will permit thee; no such hope was conceived by, a thought of the sort never entered the First Citizen's head, nor (as he verily believes,) of any other person. The First Citizen rejects with horror and contempt the cowardly aspersion. But should a mob assemble to pull down a certain house, and hang up the owner, methinks it would not be very formidable, when headed and conducted by a *monkey*, against a chief of such *spirit* and *resolution*. Sarcasms on personal defects have ever been esteemed the sure token of a base and degenerate mind; to possess the strength and graces of your person, the gentleman alluded to would not exchange the infirmities of his puny frame, were it on that condition, to be animated by a soul like thine.

I have at length gone through the painful task of silencing falsehood, exposing malice, and checking insolence. The illiberal abuse so plentifully dealt out by Antillon would have been passed over with silent contempt, had he

not so interwoven it with positive assertion of facts, that the latter could not be contradicted, without taking some notice of the former. I shall now examine Antillon's reasons in justification of the Proclamation, and after his example, I shall first compare the two transactions, the Proclamation, and the *assessment of ship-money*. That the latter was a more open and daring violation of a free constitution¹ will be readily granted; the former I contend to be a more disguised and concealed attack, but equally subversive, in its consequences, of liberty. Antillon's account of the levy of ship-money, though not quite so impartial as he insinuates, I admit in the main to be true. "The amount of the whole tax was very moderate, little exceeding £200,000; it was levied upon the people with justice and equality, and this money was entirely expended upon the navy, to the great honor and advantage of the kingdom." At that period the boundaries between liberty and prerogative were far

¹ The most open and avowed attacks on liberty are not perhaps the most dangerous. Where rigorous means, "the arbitrary seizure of property and the deprivation of personal liberty are employed to spread terror, and compel submission to a tyrant's will," they rouse the national indignation, they excite a general patriotism, and communicate the generous ardor from breast to breast; fear and resentment, two powerful passions, unite a whole people, in opposition to the tyrant's stern commands; the modest, mild, and conciliating manner in which the latent designs of a *crafty minister* come sometimes recommended to the public, ought to render them the more suspected, "*timeo Danaos, et dona ferentes*": The gifts and smiles of a minister should always inspire caution and diffidence. There is no attempt, it is true, in the Proclamation "to subject the people indebted to the officers for services performed to any execution of their effects or *imprisonment* of their persons—*on any account*." If the judges however should determine costs to be paid, according to the rates of the Proclamation, *execution* of a person's effects or *imprisonment* would necessarily follow his refusal to pay those rates.

from being ascertained; the Constitution had long been fluctuating between those opposite and contending interests, and had not then arrived to that degree of consistency and perfection it has since acquired, by subsequent contests, and by the improvements made in later days, when civil liberty was much better defined and better understood. The assessment of ship-money received the sanction of the judges. "After the laying on of ship-money, Charles, in order to discourage all opposition, had proposed the question to the judges," whether in a case of necessity, for the defence of the kingdom, he might not impose this taxation, and whether he was not sole judge of the necessity. "These guardians of law and liberty, replied with great complaisance [reflect on this, good reader], "that in a case of necessity, he might impose that taxation, and that he was the sole judge of the necessity." The same historian, speaking of that transaction, concludes thus: "These observations alone may be established on both sides, That the appearances were sufficiently strong in favor of the King, to apologize for his following such maxims; and that public liberty must be so precarious, under this exorbitant prerogative, as to render an opposition, not only excusable but laudable in the people." But I mean not to excuse the assessment of ship-money, nor to exculpate Charles; his conduct will admit of no good apology.

Now let us take a view of the Governor's Proclamation, advised by the minister, and of all its concomitant circumstances—a disagreement in sentiment between the two branches of our Legislature about the regulation of officer's fees, occasioned the loss of the inspection law in the month of November, 1770—Some proceedings in the land-office, had created a suspicion in the members of the Lower House of that Assembly then sitting,

“That the government had entertained a design, in case the several branches of the Legislature should not agree in the regulation of officer’s fees, to attempt establishing them by Proclamation.” To guard against a measure incompatible with the permanent security of property and the constitutional liberty of the subject, they in an address to his Excellency asserted, “That could they persuade themselves, that his Excellency could possibly entertain a different opinion, they should be bold to tell him, that the people of this province will ever oppose the usurpation of such a right.” To which address the Governor returned this remarkable answer in his message of the 20th day of November, 1770, “That his lordship’s authority had not yet interposed in the regulation of fees of officers, nor had he any reason to imagine it would interpose in such a manner as to justify a regular opposition to it.”¹ Notwithstanding this declaration, a few days after the prorogation of that Assembly, the Proclamation of the 26th day of November (the subject of the present controversy) was issued contrary to a seeming promise given by the minister (for I consider the Governor’s speeches and messages as flowing from his minister’s advice) and contrary to the opinion entertained by the minister himself, of its legality. The accusation will not appear too rash, when we reflect on the abilities of the man, his experience, his knowledge of the law and Constitution, and his late flimsy and pitiful vindication

¹ From the words in the text, I think it is evident, the minister had at that very time determined on issuing the Proclamation; should he afterwards be reproached with a breach of promise, he had his answer ready, the Proclamation was not issued in *such a manner*, as to justify *a regular opposition*, it was only issued with a view to prevent the *extortion of officers*—for this reason I have called the minister’s promise a *seeming* promise.

of the measure. He knew that a “similar proclamation published in the year 1733 had agitated and disjointed this province till the year 1747. The evils, which were thereby occasioned, ought strongly to have dissuaded a second attempt, to exercise such power.” Antillon has admitted this fact, and has attributed “the most violent opposition that ever a Governor of Maryland met with” to this very measure. “He [Ogle] was so well convinced of the authoritative force of the Proclamation, for settling fees of officers, that he expressly determined, as Chancellor, by a final compulsory decree, fees should be paid upon the authority, and according to the very settlement of the Proclamation,” which, of his own will and mere motion he had pre-ordained as Governor.

What is the meaning of all this in plain English? Why that Ogle made himself both judge and party; like the French King, he issued out his edict as a law, which he enforced in his own court, as judge. I am unwillingly, and unavoidably drawn into the censure of a man, who by his subsequent conduct, which was mild and equitable, fully atoned for the oppressions (shall I call them errors) of his former administration. Antillon asks, “What did he [Ogle] deserve; infamy, death or exile?” No, not quite so severe punishment, Antillon; he only deserved to be removed from his government, and not even that punishment, if he was directed, advised, and governed by such a minister as thou art; for in that case, the disgrace, and removal of the minister would have been sufficient, and would probably have restored ease, security, and happiness to the people. But if Eden should follow Ogle’s example, what then? Eden is a Governor, a Governor is a King, and a King can do no wrong, ergo, a Governor may cut the throats of all the inhabitants of Maryland, and then pick their pockets, and will

not be liable to be punished for such atrocious doings; excellent reasoning! exquisite wit and humor!

If you, Antillon, should still be hardy enough, to continue to inspire the same councils, which have already set this Province in a flame, and the Governor, when warned and cautioned against your pernicious designs, should still listen to your advice, in opposition to the wishes and inclinations of the people, over whom he has the honor to preside, I confess, I should be one of those, who most heartily wish for his removal. Does this look like flattery, Antillon? I scorn the accusation. The First Citizen has always treated his Excellency with that respect which his station commands, and with that complacence, which is due from one gentleman to another; to flatter, or to permit flattery, is equally unbecoming that character; Antillon accuses the confederates, of *fawning servility*, *extravagant adulation*, and the *meanest debasement*, yet this very man is not entirely exempt from the imputation of flattery—"They know not the man, whom they thus treat," *cui male si palpere recalcitrat undique tutus*¹ was an artful compliment, paid by a courtly poet to the tyrant Augustus. Yes, Antillon, I know the man; I know him to be generous, of a good heart, well disposed, and willing to promote, if left to himself, the happiness and welfare of the Province, but youthful, unsuspecting and diffident of his own judgment in matters legal and political,² failings, (if they de-

¹ Hor., "Sat.," ii., 1, 20.

² It cannot be supposed that the King can have a thorough knowledge of every department in his kingdom; he appoints judges, to interpret, and to dispense law to his subjects; ministers to plan, and digest schemes of policy, and to conduct the business of the nation; generals, and admirals, to command his armies, and fleets; over all these he has a general superintendency, to remove, and punish such

serve the name) that have caused him to repose too great a confidence in *you*; from this opinion of the man, from a persuasion of his good intentions, I was induced to apply to *him* the maxim of the British Constitution, “*the King can do no wrong*” which you have so wittily and humorously ridiculed. The Governor is no King, wonderful discovery! who said he was? you comprehend the full force and justice of the application, and you best know the reason of it; in order to elude and defeat its

as from incapacity, corruption or other misdemeanors may be unfit, and unworthy of the trust reposed in them—“The King cannot exercise a judicial office himself, for though justice and judgment flow from him yet he dispenses them by his ministers, and has committed all his judicial power to different courts; and it is highly necessary for his people’s safety he should do so, for as Montesquieu separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be legislator; were it joined to the executive power, the judge might behave with all the violence of *an oppressor*. Here, the Governor, who exercises the executive and a share of the legislative power holds and exercises also one of the most considerable judicial offices—for he is Chancellor, a jurisdiction, which in the course of some years, may bring a considerable share of the property of this country, to his determinations.” The Governor is so well satisfied of wanting advice, that in determining causes of intricacy, he always chuses to have the assistance of some gentleman, who from study and a knowledge of the law, may be presumed a good judge, and able to direct him in cases of difficulty and doubt. He has recourse to the advice of his Council in all matters of public concernment; it is therefore highly probably he took the advice of some, or of ONE in the Council before he issued the Proclamation. It is well known, that in England the *prime minister* directs and governs all this Majesty’s other ministers; in Charles the II.d’s. time the whole care of Government was committed to five persons, distinguished by the name of *Cabal*: the other members of the Privy Council were seldom called to any deliberations, or if called, only with a view to *save appearance*.

aim, you affect to be witty, and not to take my meaning. You want to shelter yourself under the protection of the Governor, and to draw him, and all the Council, into a justification of measures *peculiarly yours*, by endeavoring to make them responsible for *your counsels*. "There can be no difficulty in finding out his (the King's ministers,) the Governor and Council are answerable in this character; he cannot disavow an act to which his signature is affixed." Have not many Kings of England revoked and cancelled acts to which their signatures were affixed? Have not some Kings too, at the solicitation of their Parliaments, disgraced ministers, who advised these acts, and affixed to them the royal signature?

The Governor is improperly called the King's minister, he is rather his representative, or deputy; he forms a distinct branch, or part of our Legislature; a bill, though passed by both Houses of Assembly, would not be law, if dissented to by him; he has therefore the power, *loco Regis*, of assenting and dissenting to laws; in him is lodged the most amiable, the best of power, the power of mercy; the most dreadful also, the power of death. A minister has no such transcendent privileges,—To help, to instruct, to advise, is his province, and, let me add, that he is accountable for his advice, to the great council of the people; upon this principle the wisdom of our ancestors grounded the maxim, "The King can do no wrong." They supposed, and justly, that the care and administration of government would be committed to ministers, whose abilities, or other qualities had recommended to their sovereign's choice; lest the friendship and protection of their master should encourage them to pursue pernicious measures, and lest they should screen themselves under regal authority, the blame of bad counsels became imputable to them and they alone were made

answerable for the consequences; if liable to be punished for maladministration, it was thought, they might be more circumspect, diligent, and attentive to their charge; it would be indecent and irreverential to throw the blame of every grievance on the King, and to be perpetually remonstrating against majesty itself, when the minister only was in fault. The maxim however admits of limitation.

*Est modus in rebus, sunt certi denique fines,
Quos ultra, citraque, nequit consistere rectum.*¹

Should a King, deaf to the repeated remonstrances of his people, forgetful of his coronation oath, and unwilling to submit to the legal limitations of his prerogative, endeavor to subvert that constitution in Church and State, which he swore to maintain, resistance would then not only be excusable, but praiseworthy, and deposition, imprisonment, or exile might be the only means left of securing civil liberty and national independence. Thus James the Second, by endeavoring to introduce arbitrary power, and to subvert the established Church, justly deserved to be deposed and banished. The Revolution which followed, or rather brought on James' abdication of the crown, "is justly ranked among the most glorious deeds, that have done honor to the character of Englishmen." In that light, the First Citizen considers it; and he believes the independent Whigs entertain the same opinion of that event, at least, nothing appears to the contrary, save the malevolent insinuation of Antillon.

It is high time to return to the Proclamation; your digressions, Antillon, which have occasioned mine, shall not make me lose sight of the main object. "It is not to be expected that any man will bear reproaches without

¹ Hor., S., i, 1, 106-107.

reply, or that he who wanders from the question, will not be followed in his wanderings, and hunted through his labyrinths." We have seen the Proclamation was apprehended some time before its publication, and guarded against by a positive declaration of the Lower House—"The people of this province will ever oppose the usurpation of such a right." Nevertheless *our minister*, regardless of this intimation, advised the Proclamation. It came out soon afterwards, cloathed with the specious pretence of preventing extortion in officers. I shall soon examine the solidity of this softening palliative. In a subsequent session, it was resolved unanimously by the Lower House, "to be *illegal, arbitrary, unconstitutional and oppressive.*" It was resolved also, "That the advisers¹ of the said Proclamation are enemies to the peace, welfare and happiness of this Province and to the laws and constitution thereof." I shall now give a short extract from Petyt's *Fus Parliamentarium*, page 327, and leave the reader to make the application.—" In a list of grievances presented by the Commons to James the First, are Proclamations, of which complaining bitterly, among other things they say, nevertheless, it is apparent, that Proclamations have been of late years much more frequent than heretofore, and that they are extended, not only to the liberty, but also to the goods, inheritances,

¹ It is plain from the above resolve of the Delegate, that they considered the Governor, not as my lord's minister, but as his deputy, or lieutenant, acting by the advice of others, nor pursuing his own immediate measure, and sentiments. It is no imputation on the Governor's understanding to have been guided by a counsellor, from whose experience, and knowledge, he might have expected the best advice, when he did not suspect, or did not discover the interested motive, from which it proceeded; the minister has the art of covering his *real* views with *fair* pretences.

"And seems a saint, when most he plays the devil."

and livelihood of men; some of them, tending to alter some *points of the law*, and make *them new*; others some made shortly after a session of Parliament for matter directly rejected in the same session,” and some vouching former proclamations, to countenance and warrant the latter. The Proclamation is modestly called by Antillon, “*a restriction of the officers*,” at another time, “*preventive of extortion*,” though in fact, it ought rather to be considered as a direction to the officers, what to demand, and to the people, what to pay, than a *restriction of the officers*. I appeal to the common sense and consciences of my countrymen; do ye think, that the avowed motives of the Proclamation, was the true and real one? If no such Proclamation had issued, would ye have suffered yourselves to be oppressed, and plundered by the officers? Would ye have submitted to their exorbitant demands, when instructed by a vote of your Representatives, “That in all cases when no fees are established by law, for services done by officers, the power of ascertaining the quantum of the reward for such services is constitutionally in a jury upon the action of the party”? To set this matter in a clear point of view, and to expose the hollow and deceitful show of a pretended clemency, and tenderness for the people, it may not be improper to introduce a short dialogue between an officer and citizen.

Officer: How wretched and distressed would have been the situation of this Province, if the well-timed and merciful Proclamation had not issued.

Cit.: How so ?

Officer: The reason is obvious: had it not issued, we should have been let loose on our countrymen to live on free quarter, for every *little* piece of service we should have exacted a *genteel* reward, in a short time your pock-

ets would have been pretty well drained, and to mend the matter, we might have pillaged and plundered, without being liable to be sued for extortion; for we could not be guilty of extortion merely in taking *money* or other valuable thing for our services, unless we were to take more than is due; it is obvious to common sense that there must be some established measure or there can be no excess. That *ascertained*, there must be a *positive*, or there can be no *comparative*; let the result then be considered, if something be undeniably due, when a service is performed, and no *certain* rule or measure to determine the rate, should an officer take *as much as he can exact*, he would not commit *extortion* according to the legal acceptance of the term *extortion*.

Cit.: This may be good law for aught I know, but if I could not sue you for extortion, I should still have a remedy.

Officer: What, pray?

Cit.: I would only pay you what I thought reasonable.

Officer: But suppose I should not think the sum tendered sufficient, and refuse to receive it?

Cit.: Why then you might either go without any reward for your service or you might sue me, to recover, what in your estimation would be adequate thereto, and thus leave the question of the recompense to be settled by a jury.

Officer: This expedient did not occur to me; your condition, I own, would not have been quite so deplorable as I imagined.

The plain answer of this citizen will be understood by many who will not comprehend the more refined reasoning of the officer upon extortion; and I fancy the citizen's resolution in a like case would be adopted by most peo-

ple. Antillon has admitted that “If the Proclamation had not the authority to fix the rates according to which the officers *might* receive and *beyond which* they could not *lawfully receive*, it was not preventive of extortion, but whether it had or not such authority depended on its legality, *determinable in the ordinary judicatories.*” I should be glad to know whether its legality be determinable by the judges, or by a jury; if determinable by a jury, the liberty and property of the people will be exposed to less danger; were we sure of always having judges as honest and upright as the present, the question, though, of the most momentous concern, might perhaps be safely left to their decision; but our judges are removable at pleasure; some of them might be interested in the cause, and if suffered to establish their *own* fees would become both judges and party;—a Governor, we have seen, decreeing as Chancellor fees to be paid upon the authority of his *own* Proclamation, would fall under that predicament. Let us admit, by way of argument, that the decision of this question (the legality of the Proclamation) belongs properly to the judges; suppose they should determine the Proclamation to be legal; what consequence would follow? The most fatal and pernicious that could possibly happen to this Province the right of the Lower House to settle fees, with the concurrence of the other branches of the Legislature, a right which has been claimed and exercised for many years past, to the great benefit of the people, would be rendered useless and nugatory. The old table of fees abounding with exorbitances and abuses, would ever remain unalterable; government would hold it up perpetually, as a sacred palladium, not to be touched, and violated by profane hands.

Reasons still of greater force might be urged against

leaving with the judges the decision of this important question, whether the Supreme Magistrate shall have the power to tax a free people without the consent of their representatives, nay, against their consent and express declaration; I shall only adduce one argument, to avoid prolixity. The Governor, it is said, with the advice of his Lordship's Council of State, issued the Proclamation three of our provincial judges are of that Council; they therefore advised a measure as proper and consequently as legal, the legality of which, if called in question, they were afterwards to determine. Is not this in some degree, prejudging the question? It will perhaps be denied (for what will not some men affect to deny?) That to settle the fees of officers by Proclamation, is not to tax the people; I humbly conceive that fees settled by the Governor's Proclamation, should it be determined to have the force of law, are flowing from an arbitrary and discretionary power in the Supreme Magistrate,—for this assertion, I have the authority of my Lord Coke express in point. That great lawyer in his exposition of the statute *de tallagio non concedendo* makes this comment on the word tallagium: "Tallagium is a general word, and doth include all subsidies, taxes, tenths, fifteenths, impositions, and other burthens or charge *put* or *set* upon any man; that within this act are all new officers erected with new fees for that is a tallage put upon the subject, which cannot be done without common consent by Act of Parliament." The inspection law being expired, which established the rates of officers fees, adopted by the Governor's Proclamation, I apprehend the people (supposing the Proclamation had not issued) would not be obliged to pay fees to officers according to those rates; this proposition, I take, to be self-evident; now if the Proclamation can revise those rates, and the payment of

fees agreeable thereto, can be enforced by a decree of the Chancellor, or by judgment of the provincial court, it will most clearly follow, that the fees are *new*, because enforced under an authority *entirely new*, and *distinct* from the act, by which those rates were originally fixed. Perhaps my Lord Coke's position will be contradicted, and it will be asserted, that fees payable to officers are not taxes; but on what principle such an assertion can be founded, I am at a loss to determine; they bear all the marks and characters of a tax; they are universal, unavoidable, and recoverable, if imposed by a *legal* authority, as all other debts; universal and unavoidable, "for applications to the public offices are not of *choice* but of necessity, redress cannot be had for the smallest or most atrocious injuries but in the courts of justice, and as surely as that necessity does exist, and a binding force in the Proclamation be admitted, so certainly must the fees thereby established, be paid in order to obtain redress." There is not a single person in the community, who at one time or another, may not be forced into a court of justice, to recover a debt, to protect his property from rapacity, or to wrest it out of hands which may have seized on it with violence, or to procure a reparation of personal insults.

Why was the inspection law made temporary? With a view no doubt, that on an alteration of circumstances, the delegates of the people, at the expiration of the act, with the consent of the Governor, and Upper House, might alter and amend the table of fees, or frame a new table. That the circumstances of the Province are much changed since the enacting of that law in 1747, the Proclamation itself evinces, by allowing planters to pay the fees of officers in money, in lieu of tobacco, which alternative has considerably lessened the fees, and is a proof,

if any were wanting, that they have been much too great. It was insisted on by the Lower House, that a greater reduction of fees was still necessary; by the Upper, that the fees were already sufficiently diminished, and that they would not suffer any further reduction of fees, than that, which must necessarily follow from the election given to all persons, to discharge the fees in tobacco, or money as may best suit them. One would imagine that a compromise, and a mutual departure from some points respectively contended for, would have been the most eligible way of ending the dispute; if a compromise was not to be effected, the matter had best been left undecided: time and necessity would have softened dissention, and have reconciled jarring opinions, and clashing interests; and then a regulation by law, of officers fees, would have followed of course. What was done? The authority of the Supreme Magistrate interposed, and took the decision of this important question, from the other branches of the Legislature to itself; in a land of freedom this arbitrary exertion of prerogative will not, must not, be endured.

From what has been said, I think it will appear that the idea of a tax is not improperly annexed to a regulation of fees by Proclamation, “but if the idea be proper, then fees can be settled in no case except by the Legislature, because it requires such authority to lay a tax; but the House of Lords, the House of Commons, the court of law and equity in Westminster Hall, the Upper and Lower Houses of Assembly have each of them settled fees—” they have so: the House of Lords, and the House of Commons have that right derived from long usage, and from the law of Parliament, which is *lex terræ*, or part at least of the law of the land. Our Upper and Lower Houses of Assembly claim most of the

privileges, appertaining to the two Houses of Parliament, being vested with powers nearly similar, and analogous¹ to those inherent in the Lords and Commons. “The courts of law and equity in Westminster Hall, have likewise settled fees”; by what authority? Antillon has

¹ I say nearly similar; a perfect similitude cannot be expected; our Upper House falls vastly short of the House of Lords in dignity, and independence; our Lower House approaches much nearer in its constitution to the House of Commons, than our Upper House to the House of Lords; the observation of a sensible writer on the Assembly of Jamaica may be applied to ours—“The legislature of this province wants in its two first branches (from the dependent condition of the Governor and Council) a good deal of that freedom which is necessary to the legislature of a free country, and on this account, our constitution is defective in point of legislature, those two branches not preserving by any means, so near a resemblance to the parts of the *British* legislature, which they stand for here, as the Assembly does; this is a defect in our constitution, which cannot from the nature of things be entirely remedied, for we have not any class of men distinguished from the people by inherent honours; the Assembly, or Lower House has an exact resemblance of that part of the *British* constitution, which it stands for here, it is indeed an epitome of the House of Commons; called by the same authority, deriving its powers from the same source, instituted for the same ends, and governed by the same forms; it will be difficult, I think to find a reason, why it should not have the same powers, the same superiority over the courts of justice and the same rank in the system of our little community, as the House of Commons in that of Great Britain. I know of no power exercised by the House of Commons for redressing grievances or bringing public offenders to justice, which the Assembly is incapable of—I know of none, which it has not exercised at times except that of *impeachment*, and this has been forborn, not from any *incapacity* in that body, but from a defect in the power of the Council; an impeachment by the House of Commons in England, must be heard in the House of Lords, it being below the dignity of the Commons to appear as prosecutors, at the bar of any inferior court.” The powers therefore of the House of Commons, and of our Lower House being so nearly similar, their respective privileges must be nearly the same.—See the privileges of the Island of Jamaica vindicated.

not been full and express on this point. Have the judges settled the fees of officers in their respective courts solely by the King's authority, or was that authority originally given by act of Parliament to his Majesty, and by him delegated to his judges? Admitting even, that the chancellor and judges of Westminster Hall have settled fees, by virtue of the King's commission, without the sanction of a statute, yet the precedent by no means applies to the present case. The judges in England have not settled their *own* fees; if the Proclamation should have the force of law, the Commissary-General, the Secretary, the judges of the land office, who are all members of the Council, and who advised the Proclamation, that is, who concurred with the *minister's* advice, may with propriety be said to have established their *own* fees. The Governor as Chancellor decreeing his fees to be paid "according to the *very settlement of the Proclamation*" would undoubtedly, ascertain, and settle his own fees; would he not then be judge in his own cause? Is not this contrary to natural equity? Where a statute is against common right and reason, the common law shall control it and adjudge it to be void; a statute so contrary to natural equity, as to *make a man judge in his own cause*, is likewise void, for *jura naturæ sunt immutabilia*.

The quotation from Hawkins given by Antillon, militates most strongly against him; the chief danger of oppression, says the serjeant, is from officers being left at liberty to *set their own rates* on their labor, and make their *own demands*. Answer this question, Antillon! If you remain silent, you admit the imputation; if you deny it, you will be forced to disavow the advice you gave. The Proclamation is sometimes represented by Antillon as a very harmless sort of a thing, "It has no force, no efficacy but what it receives from its legality

determinable in the ordinary judicatories.” He has not indeed told us expressly, who are to determine its legality; if the judges of the provincial court are to decide the question, and they should determine the Proclamation to be legal, in that case, I suppose, an appeal would lie from their judgment, to the court of appeals. Would not an appeal to such a court, in such a cause, be the most farcical and ridiculous mummery ever thought of? All that has been said against the Proclamation, applies with equal, or greater force against the instrument under the great seal for ascertaining the fees of the land office. Antillon having noticed “That in consequence of a commission issued by the Crown, upon the address of the British House of Commons, the Lord Chancellor by *the authority of his station*, and by and with the advice and assistance of the master of the rolls, ordered, that the officers of the Court of Chancery should not demand¹ or

¹ Antillon infers from this argument, that the Governor has the same power in this Province. In England, the King originally paid all his own officers; nothing therefore could be more consistent with the spirit of the constitution, than that *he* should establish the wages, *who* paid them. It is not so in this country, nor is it at present the case in England: they are now paid out of the pockets of the people: sheriffs, and many other officers have therefore their fees ascertained by Act of Parliament, and in those cases, where the fees given originally by the crown, are now established by custom, the Parliament claims, and has exercised a power of controul over them, as will appear by the following quotations. “The Commons ordered in lists of all the fees taken in the public offices belonging to the law, which amounted annually to an incredible sum *most of it to officers for doing nothing*; but the enquiry was too perplexed, and too tedious for any effectual stop being put to the evil within the period of one session.”—Tindal’s Continuation of Rapin’s History.

Extract of a report of a Committee of the House of Commons impowered to inquire into the state of the officers fees belonging to the courts in Westminster-hall—April, 1752.

“Among the various claims of those, who now call themselves offi-

take any greater fees for their services, in their respective offices, than according to the rates established," I have thought proper to insert in the note referred to, some particulars relating to a similar measure, for the information of my readers, and to shew, that a regulation

cers of the court of chancery, none appeared more extraordinary to the committee, than the fee of the secretary, and clerk of the briefs, who upon grants to enable persons to beg, and collect alms, claim and frequently receive a fee of forty, fifty, or sixty pounds, and the register taker besides twelve or thirteen pounds for stamping and telling the briefs, which fees, with other great charges upon the collection, devour three parts in four of what is given for the relief of persons reduced to extreme poverty by fire, or other accidents." The committee closing their report with "observing how little able or *willing* many officers were to give any satisfactory account of the fees, they claim, and receive," came to the following resolution.

Resolved, That it is the opinion of this committee that the long disuse of public enquiries into the behavior of officers, clerks, and ministers of the courts of justice has been the occasion of the increase of unnecessary officers and given encouragement to the taking *illegal fees*.

Resolved, That it is the opinion of this committee that the *interest*, which a great number of *officers* and *clerks* have in the proceedings of the court of chancery has been a principal cause of extending bills, answers, pleadings, examinations and other forms, and *copies of them* to an unnecessary length to the great delay of justice and the oppression of the subject.

Resolved, That it is the opinion of this committee that a table of all the offices, ministers, and clerks, and of their fees in the court of chancery should be fixed, and established by authority, which table should be registered in a book, in the said court, to be at all times inspected *gratis*, and a copy of it signed and attested by the judges of the court, should be returned to each House of Parliament, to remain among the records."

If the Commons had a right to enquire into the abuses committed by the officers of the courts of law, they had, (no doubt) the power of correcting those abuses, and of establishing the fees, had they thought proper, to be paid to the officers of those courts.

of officer's fees fell under the consideration of the House of Commons, and that the same encroaching spirit of office, which has occasioned such altercations, heart burnings, and confusion in this Province, has prevailed also in the parent state. The settlement of fees by order of the Chancellor, under his Majesty's commission, issued, pursuant to an address of the House of Commons, is not, I will own, a tax similar to ship-money. But a regulation of fees by Proclamation, contrary to the express declaration of our House of Burgesses, is very similar thereto.¹

Exclusive of the above reasons, another very weighty argument, arising from the particular form of our provincial Constitution, may be brought against the usurped power of settling fees by Proclamation, and against the decision of its legality, in our "*ordinary judicatories*." We know, that the four principal officers in this province, most benefited by the Proclamation, are all members of the Upper House; I have said it, and I repeat it again, a tenderness, a regard for those gentlemen, a desire to prevent a diminution of their fees, have hitherto prevented a regulation of our staple; in a matter of this importance, which so nearly concerns the general welfare of the Province, personal considerations and private friendships, shall not prevent me from speaking out my sentiments with freedom; neither shall antipathy to the man, whom in my conscience I believe to be the chief author of our grievances, tempt me to misrepresent his actions, "or set down aught in malice"—neither a desire to please men in power, nor hatred of those who abuse it, shall force me to deviate from truth. "But the pres-

¹ Because it is a tax upon the people without the consent of their Representatives in Assembly, as has been, I hope, demonstrated to the satisfaction of my readers.

ent Proclamation is not the invention of any daring ministers now in being." Who said he was the inventor? The *minister now in being* has revived it only, in opposition to the unanimous sense of the people, expressed by their representatives, after a knowledge too, of the evils and confusion, which it heretofore brought on the province. Dismayed, trembling, and aghast, though skulking behind the strong rampart of Governor and Council, this Antillon has intrenched himself chin deep in precedents, fortified with transmarine opinions, drawn round about him, and hid from public view, in due time to be played off, as a masked battery, on the inhabitants of Maryland. I wish these opinions of "*Lawyers in the opposition*" would face the day. I wish the state on which they were given was communicated to the public; "the opinion respecting the Proclamation is on no point which the minister for the time being aims to establish"—if in favor of the Proclamation, I deny the assertion; the Proclamation is a point which the minister of Maryland aims to establish, in order to establish his own power, and perquisites. Antillon asks "If they (the *confederates*) have any other measures besides the Governor's Proclamation, to arraign as an attempt to set the Supreme Magistrate above the law?" First evince, that the Proclamation is not such an attempt; till then, it is needless to point out others. Without entering into foreign matter, I have already given you an opportunity "of shewing me stripped of disguise, *What I am.*" I have shewn what (*stripped of disguise*) you are. "*Homo natus in perniciem hujus rei publicæ,*" a man born to perplex, distress, and afflict this country.

FIRST CITIZEN.

February 27, 1773.

LETTER III.

“Our Places are disposed of to men, that are the ornaments of their own dignity; to men that have the welfare of the kingdom wholly at heart and who accept of offices only to do the necessary drudgery of the state, and neither to amass estates from their services, nor aggrandize any branches of their family; hence it happens that England can never be infamous for a Sejanus, who rose from the dunghill to grasp all power, and whose working wickedness had generally a double plot, upon his prince and upon the people.”—*True Briton*, No. 38.

The Prince who places an unlimited confidence in a bad minister, runs great hazard of having that confidence abused, his government made odious and his people wretched; of the many instances, which might be brought to confirm the observation, none more instructive, can perhaps be selected, from the annals of mankind, than the story of Sejanus. We need not, however, have recourse to the history of other nations and of other ages, to prove, that the unbounded influence of a wicked minister, is sure to lead his master into many difficulties, and to involve the people in much distress; the present situation of this province is a proof of both.

It is not my intention to compare Antillon with Sejanus; yet whoever has the curiosity to read the character of the latter drawn by the masterly pen of Tacitus, and

is well acquainted with the former will discover some striking likenesses between the two. *The animus sui obtegens, in alios crinator.*¹ *The juxta adulatio et superbia* are equally applicable to both.

Does it yet remain a secret who this wicked minister, this Antillon is? Are ye my countrymen “*puzzled to find him out*”? Surely not; his practises have occasioned too much mischief, to suffer him to lurk concealed, notwithstanding all his mean and dirty arts, to gain popularity, by which he rose to his present greatness, and the indefatigable industry of his *tools* in echoing his praises, and celebrating the *rectitude* of his measures.

In vindication of his conduct, Antillon has not endeavoured to convince the minds of his readers by the force of reason, but “*in the favourite method of illiberal calumny, virulent abuse and shameless asseveration to affect their passions*” has attempted to render his antagonist ridiculous, contemptible and odious; he has descended to the lowest jests on the person of the Citizen, has expressed the utmost contempt of his understanding, and a strong suspicion of his *political and religious principles*. What connection, Antillon, have the latter with the Proclamation? Attempts to rouse popular prejudices, and to turn the laugh against an adversary, discover the weakness of a cause, or the inabilities of the advocate, who employs ridicule, instead of argument. “*The Citizen’s patriotism is entirely feigned*”; his reasons must not

¹ Tac., A., 4, 1. (*Animus audax, sui obtegens, in alios crinator.*) “A mind dark and unsearchable, prone to blacken others, alike fawning and imperious.

If the Latin word *adulatio*, implies that Sejanus was fond of flattery and inclined to flatter, the sentiment is still more apposite to *our wicked minister*, who is known to swallow greedily the fulsome and nauseous praises of his admirers, and to bear a great deal of *daubing*.

be considered, or listened to, because his *religious principles* are not to be trusted. Yet if we are to credit Antillon, the Citizen is so little attached to these principles, “That he is *most devoutly wishing for the event*,” which is to free him from their shackles. What my speculative notions of religion may be, this is neither the place nor time to declare; my political principles ought only to be questioned on the present occasion; surely they are constitutional, and have met, I hope, with the approbation of my countrymen; if so Antillon’s aspersions will give me no uneasiness. He asks, who is this Citizen? A man, Antillon, of an independent fortune, one deeply interested in the prosperity of his country: a friend to liberty, a settled enemy to lawless prerogative. I am accused of folly, and falsehood, of garbling moral and legal maxims, of a narrow, sordid and personal enmity; of the first and second accusation, I leave the public judge, observing only, that my want of veracity has not been proved in a single instance. What moral, what legal maxims have I garbled? Point them out, Antillon: You assert that my censures of your conduct flow from a narrow, sordid and personal enmity; that I dislike your vices is most true; that my enmity is rancorous and sordid I deny. You have made the charge, it is incumbent on you to prove it; should you fail in your proofs, admit you must, on your own principles, that you have exhibited the strongest tokens of a base mind: but what is evident to all, can receive no additional confirmation from your admission. Take this as an answer, the only one I shall give, to all your obloquy and abuse—That *vituperari ab improbo summa est laws*. The bad man’s censures are the highest commendations.

If it be irksome to be engaged against a writer of a “weak head,” and *corrupt heart*, the task becomes infi-

nitely more disgusting, when we have to encounter not only the latter vice, but likewise the wilful misrepresentations of craft, and falsehoods dictated by “*shameless impudence*.” It will be shown in the course of this paper that Antillon is guilty of both charges.

The assessment of ship-money, the Citizen has said, was a more open, the Proclamation a more disguised, though not less dangerous attack on liberty; it has, I hope, been proved already, that fees are taxes, and that the settlement of them by Proclamation is arbitrary and illegal: Antillon has not refuted the arguments adduced to prove both propositions; other reasons in support thereof shall be brought hereafter; at present let us consider whether the Proclamation be not a *disguised and dangerous attack on liberty*. If we attend to the time, circumstances, and *real* motive of issuing the Proclamation, they will, I think, evince beyond all doubt, the truth of the assertion. The Proclamation came out a few days after the prorogation of the Assembly, under the color of preventing extortion, but in reality to ascertain what fees should be taken from the people by the officers, and after a disagreement between the two Houses about a regulation of fees by law. It would have been too insolent to inform the people in plain terms; your representatives would not come into our proposals, the Governor was therefore advised to issue the Proclamation for the settlement of fees, adopting the very rates of the late regulation objected to by your delegates, as unjust and oppressive in several instances; their obstinate and unreasonable refusal to comply with our *moderate* demands, constrained us to recur to that expedient. It would, I say, have been too daring, to have talked openly in this manner, and too silly, to have avowed, that, to cover the dangerous tendency of the

Proclamation, it was cloaked with the specious, and pretended necessity of protecting the people from the rapacity of officers. This affected tenderness for the people, considering the character of the minister, who made a parade of it, and has since assigned it as the best excuse of an unconstitutional measure, was sufficient to awaken suspicion and fears. Our constitution is founded on jealousy, and suspicion; its true spirit, and full vigor cannot be preserved, without the most watchful care, and strictest vigilance of the representatives over the conduct of administration. This doctrine is not mine, it has been advanced and demonstrated by the best constitutional writers; the present measures call for our closest attention to it; the latest designs of our crafty minister will be best detected by comparing them with the open and avowed declarations of government in 1739 on a contest exactly similar to the present. The pursuits of government in the enlargement of its powers, and its encroachments on liberty are steady, patient, uniform, and gradual; if checked by a well-concerted opposition at one time, and laid aside, they will be again renewed by some succeeding minister, at a more favorable juncture.

Extract from the rules and proceedings of the Assembly, 1739:

“The conferrees of the Upper House are commanded to acquaint the conferrees of the Lower House, that they conceive the Proprietary’s authority to settle fees, *where there is no positive law* for that purpose, to be indisputable, and that they apprehend the exercise of such an authority to be agreeable to the *several instructions* from the throne to the respective governments, and therefore that the Upper House cannot but think a *perpetual law* in this case, reasonable and necessary, &c.”

Compare, my countrymen, the Proclamation issued in 1739 with the present; compare the language of the conferrees of the Upper House in 1739, with Antillon's arguments and vindication of his favourite scheme; in substance they are the same. Antillon's account of ship money, I have admitted in the main to be true, though not entirely impartial; this sentence conveys no insinuation, but what is plain, and easily justified. A writer may give a relation of facts generally true, yet by suppressing some circumstances, may either exaggerate, or diminish the guilt of them, and by so doing, greatly alter their character and complexion. The justice of the remark will hardly be denied, and the application of it to the present case will evince its utility. Antillon has vented part of his spleen on Mr. Hume; the censured passage is taken from that author, acknowledged by a sensible writer¹ and thorough Whig, to be an instructing and entertaining historian. To exculpate the *notorious apologist*, and myself, it is necessary to observe that the words "levied with *justice and equality*" (not *equity*, as cited by Antillon) mean, the tax was equally divided among, or assessed upon the subject without favor and affection to particular persons; that the imposition, though applied to a good and public use, was contrary to law, the historian has acknowledged in the most forcible and express words.

Has the Citizen anywhere insinuated, that the assessment of ship money was legal? Has he not expressly declared, that he does not mean to excuse that assessment? That the conduct of Charles will admit of no *good* apology? Yet that there were some appearances in his favor, the passages already quoted, candid men, I

¹ Daines Barrington. "Observations on the Statutes, chiefly the more ancient."

think, will admit, if not as a proof to convince, at least as an inducement to incline them to that opinion; mine, I confess, it is, and I make the acknowledgment, without fear of incurring the odious imputation of abetting arbitrary measures, or of being a friend to the Stuarts.

What means the insinuation, Antillon, conveyed in this sentence, "*The appellation tyrant has I suspect rubbed the sore.*" Your endeavours to defame, excite only pity and contempt; your heaviest accusations, thank God, have no better foundation than your own suspicions. But to return—I again assert, that notwithstanding all the acts ascertaining the subject's rights, cited in your last admirable, and polite performance, that the boundaries between liberty and prerogative were far from being ascertained in Charles's reign with that precision, and accuracy, which the subsequent resolutions, and the improvements our constitution in later times have introduced.¹ I must trouble my readers with a few more quotations from the obnoxious historian above mentioned, submitting the justice of his observations, and the inference drawn from them to their decision, and better judgment:

"Those lofty ideas of monarchical power *which were very erroneously adopted during that age and to which the ambiguous nature of the English constitution gave so plausible an appearance*, were firmly riveted in Charles." Again, speaking of illegal imprisonment, "But the Kings of England" (says he) "who had not been able to prevent the enacting these laws" (in favor of personal lib-

¹ "The latter years," says Blackstone, "of Henry VIII. were the times of the greatest despotism, that have been known in this island, since the death of William the Norman; the prerogative as it then stood by common law (and much more when extended by Act of Parliament) being too large to be endured in a land of liberty."

erty) “had sufficient authority, when the tide of liberty was spent, to hinder their regular execution, and they deemed it superfluous to attempt the formal repeal of statutes, which they found so many expedients, and pretences to elude.”

“The imposition of shipmoney” (the same historian remarks), “is apparently one of the most dangerous invasions of national privileges, not only which Charles was ever guilty of, but which the most arbitrary princes in England, since any liberty had been ascertained to the people, had ever ventured upon.” He subjoins in a note, “It must, however, be allowed that Queen Elizabeth ordered the seaports to fit out ships, at their own expence, during the time of the Spanish invasion.” Elizabeth treated her Parliaments with haughtiness, and assumed a tone of authority in addressing those Assemblies, which even the tyrant Charles did not exceed:—her father governed with despotic sway. To these opinions, and unsettled notions of the Kingly power, and to the prejudices of that age, candour, perhaps, will partly ascribe the determination of the judges in favor of shipmoney, and not solely to corruption.

The Citizen has said, “*that the Revolution rather brought about, than followed King James’s abdication of the crown.*” The assertion is warranted by the fact. James’s endeavours to subvert the Establishment of Church and State, and to introduce arbitrary power, occasioned the general insurrection of the nation in vindication of its liberties, and the invasion of the Prince of Orange, soon afterwards crowned King of England. James, dispirited by the just, and general desertion of his subjects, and fearing, or pretending to fear violence from his son-in-law, withdrew from the kingdom; his withdrawing was what properly constituted his abdication

from the Crown: his tyrannical proceedings were the cause indeed of that abdication, and voted together with *his withdrawing*, an abdication of the government; till that event the Revolution was incomplete. Will any man, except Antillon, or one equally prejudiced, infer from the last mentioned quotation, that the Citizen intended to cast any reflection on the Revolution, to represent it as an *unjust* act of violence, or that he does not approve the political principles of those by whom it was principally accomplished?—I shall now consider Antillon's main argument in support of the Proclamation, first reducing it into a syllogism. "Taxes cannot be laid but by the legislative authority; but fees have been laid by the separate branches thereof; therefore fees are not taxes." I deny the major, Mr. Antillon, in the latitude laid down by you, but admit it with this restriction, saving in such cases as are warranted by long, immemorial, and uninterrupted usage. The very instances adduced in your paper are an exception to the general rule. The two Houses of Parliament have separately settled fees, as I said before, by the usage, custom and law of Parliament, which is part of the law of the land.

"*The judges in Westminster Hall settled fees,*" you say, without defining what you mean by a settlement of fees in this instance; your inference, "*therefore a similar power is vested in the governor of this province,*" I deny. The inference will not be granted, unless you prove, that the king by his sole authority, contrary to the express declaration of the Commons, has settled the fees of officers belonging to the courts of law, and equity in Westminster Hall, that is, hath laid new fees on the subject, at a time when they were no longer paid out of the royal revenue, but taken out of the pockets of the people. The fees of officers have been established for many years past in this

province by the Legislature, and the act establishing them was made temporary, that on a change of circumstances an alteration of the fees, if expedient should take place; that this was the *sole* motive of making the inspection law temporary, the Citizen has not asserted, nor has Antillon denied it to be *one* of the motives. An inspection of the votes and proceedings of Assembly in 1739 will evince that the principal reason of giving a temporary existence to that act was to alter, and correct the table of fees on the expiration of it.

“May 31, 1739, The conferrees of the Upper House acquaint the conferrees of the Lower House, that the Upper House could agree to no law to establish officers fees, but what should be *perpetual*, and were ordered not to proceed to consider of any fees, till the sense of the Lower House on that point should be made known.

“2nd June, 1739, This House (the lower) having taken into consideration the report of their members appointed conferrees concerning the officers fee bill, and the proposal made by the conferrees of the Upper House, of making that bill *a perpetual act, do unanimously agree, that it would be of the most dangerous and destructive consequence to the people of this province to make such act perpetual.*”

Judge now, reader, what was the principal intention of the delegates in making the inspection law temporary; but if fees may be lawfully settled by proclamation, “*when there happens to be no prior provision, or establishment of them by law,*” then may the fees originally settled by a temporary act, be upheld by prerogative, and made perpetual, and the province be left exposed to the same dangerous, and destructive consequences, which were apprehended from a perpetuity of the law.

Antillon asserts, “That the Citizen has been constrained to admit that the judges in England have settled fees.”

This assertion I must take the liberty of contradicting; if the reader will be at the trouble of turning to the Citizen's last paper, he will there see, that the Citizen after quoting Antillon's words, *The courts of law and equity in Westminster-hall have likewise settled fees,*" asks by what authority? "Antillon," says he, "has not been full and express on this point." "Admitting even" (continues the Citizen) "that the chancellor and judges have settled fees, by virtue of the King's commission, at the request of the House of Commons, without the sanction of a statute, yet the precedent by no means applies to the present case." Is this being constrained to admit that the judges in England have settled fees? Once for all, Antillon, I must inform you, that I shall never admit your assertions, barely on the strength of your *ipse dixits* unsupported by other proof; I perceive your drift but I know my man, and will not suffer myself to be entangled in his snares.

*Vane ligus, frustra que animis elate superbis,
Nequiquam patrias temptasti lubricus artis.*¹

Proud Antillon,

"On others practise thy deceiving arts;
Thin stratagems, and tricks of little hearts
Are lost on me.—"

"*The judges in Westminster-hall have settled fees.*" A full enquiry into this matter, I am inclined to believe, would expose Antillon's disingenuity, and show how inconclusive his inference is. "*Therefore the Governor may settle fees,*" that is, *impose fees* on the inhabitants of this province. It has been already observed, that the King originally paid all his officers, and that nothing can be more consistent with the spirit of our constitution,

¹ Virg., "Æn.," xi., 715-716.

than that he, who pays salaries, should fix them. "Fees are certain perquisites allowed to officers, who have to do with the administration of justice, as a recompense for their labor, and trouble, and these are either ascertained by Acts of Parliament or established by *ancient usage*, which gives them *an equal sanction with an Act of Parliament*."¹ Coke on his comment on Littleton, sect. 701, observes, that it is provided by the statute of Westminster, 1st, that no sheriff or any other minister of the King, shall take any reward for doing his office, but that which the King alloweth. That the subsequent statutes having permitted fees to be taken in some instances, under color thereof, abuses had been committed by officers; but that they cannot take fees, but such as are given by Act of Parliament. "But yet such reasonable fees as have been allowed by the courts of justice of *ancient time* to inferior ministers, and attendants of courts for their *labor and attendance*, if they be asked and taken of the subject is no extortion." It does not appear to me, that the judges have ever imposed *new fees* by their sole authority. Hawkins says, "the chief danger of oppression is from officers² being left at liberty to set their *own* rates, and make their *own* demands," therefore the *law* has authorized the judges to settle them."

What law, common, or statute, has either empowered the judges to impose *new fees*? Antillon asks, how are *these settlements*, and the admission of *their legality* (take

¹ Bacon's Abridg., 2d. vol.

² Antillon has acknowledged that two counsellors were interested in the settlement of fees; he is, perhaps one of them: he has also acknowledged, that he advised the Proclamation as expedient and legal: he has held up the Proclamation as the standard, by which the courts of justice are to be guided in awarding costs: if all this be true, has he not endeavoured to set his own rates, and make his own demands?

notice, reader, I have not admitted *their legality*) to be reconciled with the position, *that fees are taxes?* Before you can reasonably expect an answer to this question, it is incumbent on you, Antillon, first to fix a certain, and determined meaning to a *settlement of fees by the judges*, and to explain in what manner, upon what occasions, and at what time, or times, the judges have *settled* fees, then shall we have some fixed and certain notion of those settlements. After you have taken all this trouble, the information may be pleasing (man is naturally curious, and fond of having mysteries unfolded) but the inference, “*Therefore, the governor may legally impose fees by his sole authority,*” will be rejected for this plain and obvious reason. Fees in this province have been generally settled by the legislature; so far back as 1638, we find a law for the limitation of officers fees; in 1692, the governor’s authority to settle fees was expressly denied by the Lower House; it was voted unanimously by that House, “*That it is the undoubted right of the freemen of this province not to have ANY FEES imposed upon them but by the consent of the freemen in a General Assembly.*” The Speaker of that House attended by several members went up to the Council Chamber, and informed the governor and members thereof, “*That no officers fees ought to be imposed upon them, but by the consent of the representatives in Assembly, and that this liberty was established and ascertained by several acts of Parliament, the authority of which is so great, as to receive no answer, but by repeal of the said statutes, and produced the same with several other authorities; to which the governor’s answer was, that his instructions from his Majesty were to lessen and moderate the exorbitancy of them, and not to settle them; to which Mr. Speaker replied that they were thankful to his Majesty for the same, but withal*

desired that *no fees* might be *lessened* or *advanced* but by the consent of the Assembly, to which the Governor agreed." An act was passed that very session for regulating officers fees.

Here was a formal relinquishment of the claim to settle fees by prerogative; from that day to this the claim has been constantly opposed by the representatives of the people, and in consequence of that opposition laws have been made from time to time for the limitation of officers fees; these laws ought to be considered as so many strong and express denials of the Proprietary's authority to settle fees, and as so many acknowledgments on the part of government of its illegality. Precedents, I know, have been brought to show that the power hath been exercised; so have many other unconstitutional powers; the exercise doth not prove the right; it proves nothing more than a deviation from the principles of the Constitution in those instances in which the power hath been illegally exercised. Precedents drawn from the mere exercise of a disputed authority, so far from justifying the repeated exercise of that authority, suggest the strongest motive for resisting a similar attempt, since the former temporary and constrained acquiescence of the people under the exertion of a contested prerogative is now urged as a proof of its legality. As precedents have been mentioned their proper use, and misapplication, cannot be better displayed than by a quotation from the author of the "Considerations." After perusing the passage with attention, the reader, I think, will be disposed to treat Antillon's argument drawn from the precedent of New York, with great contempt, perhaps with some indignation should he have reason to believe that the "Considerations" were wrote by this very Antillon: "When instances are urged as an authoritative

reason for adopting a new” (or an illegal measure, the reason is applicable to either) “they are proved to be more important from this use of them” (the countenance and support they are made to give to arbitrary proceedings) “and ought therefore to be reviewed with accuracy and canvassed with strictness; what is proposed ought to be incorporated with what hath been done, and the result of both stated and considered as a substantive, original question, and if the measure proposed is incompatible with the constitutional rights of the subject, it is so far from being a rational argument that consistency requires an adoption of the proposed measure, that, on the contrary, it suggests the strongest motive for abolishing the precedent; when therefore an instance of deviation from the Constitution is pressed as a reason for the establishment of a measure striking at the root of all liberty: though the argument is inconclusive it ought to be useful. Wherefore if a sufficient answer were not given to the argument drawn from precedents, by shewing that none of the instances adduced are practicable, I should have very little difficulty in denying the justice of the principle on which it is founded; *what hath been done if wrongful confers no right to repeat it*; to justify oppression and outrage by instances of their commission, is a kind of argument which never can produce conviction, though it may *their* acquiescence whom the terror of greater evils may restrain from resisting¹: and thus the despotism of the East may be supported, and the natural rights of mankind trampled under foot. The question of right therefore doth not depend upon precedents, but on the principles of the Constitution, and hath been put upon its proper point already discussed,” whether

¹ The last two words are omitted as the passage is quoted in the *Maryland Gazette*.

the prerogative may lawfully settle fees in this province. Antillon has laid great stress on the authority of the English judges to settle fees, and from that authority has inferred a similar power in the governor of this province; he has not indeed explained as it behoved him to do, the origin, nature, and extent of that authority, nor has he shewn in what manner it has been exercised.

No man, I believe, hath a precise and clear idea of a settlement of fees by the judges, from what Antillon has hitherto said on the subject. What does it mean? I ask again, does the authority to settle imply a power to lay *new* fees? The judges, it is allowed cannot alter, or increase the *old* fees; they have not therefore, I presume, a discretionary power to impose *new*; if their authority should extend to the imposition of *new fees*, why, in a variety of instances have fees been ascertained by act of Parliament. Where was the necessity of enacting those statutes, if the judges were empowered *by law* to settle, that is, to impose fees by their own, or delegated authority? Here seem to be two distinct powers in the same state, capable of the same thing; if co-equal, they, may clash, and interfere with each other; if the one be subordinate to the other, then no doubt, the power of the judges must be subject to the power of Parliament, which is, and must be supreme; if subject to, it is controlled by Parliament. The Parliament, we all know is composed of three distinct branches, independent of, yet controlling and controlled by each other; no law can be enacted but by the joint consent of those three branches; now, if in case of disagreement between them about a regulation of fees, the power of the judges may step in, and supply the want of a law, then may the interposition, and authority of Parliament in that case be rendered useless and nugatory. Suppose the leading

members of one branch to be deeply interested in the regulation, that branch will probably endeavour to obtain, if it can, an *exorbitant provision* for officers: the other may think the provision contended for, too great, they disagree; the fee bill miscarries; the power of the judges is now left at liberty to act, a necessity for its acting is insisted on, and they perhaps establish the *very fees*, which one branch of the Legislature has already condemned as unreasonable and excessive. Suppose the judges should hold their seats during pleasure, suppose them strongly prejudiced in favor of government, might not a bad administration, if the power were submitted to, obtain that establishment it pleased for its officers? Should the judges discover a disinclination to favor the views of government, the removal of the stubborn and the putting in of others more compliant, would overcome that difficulty, and not only secure to government for a time, the desired establishment of fees, but render that establishment perpetual. That a bold and profligate minister will embrace the most bare faced, and shameful means to carry a point, the creation of twelve peers in one day “on the spur of the occasion,” is a memorable proof. A settlement of fees by Proclamation, I still presume to assert, notwithstanding the subtle charts of Antillon to prove the contrary, to be an arbitrary and illegal tax, and consequently thus far similar to the ship money assessment: my Lord Coke’s authority warrants the assertion and his reasoning will support the principle; all new offices erected with new fees, or *all* offices with *new* fees, are within this act (*de tallagio non concedendo*) that is, they are a *talliage* or *tax* upon the people.

I never asserted, that our offices relating to the administration of justice were not *old*, and *constitutional*; but I have asserted, that we have *no old* and *established fees*;

that fees settled by Proclamation are *new* fees, and that consequently they come within the act, and Coke's exposition of it; and therefore, as *new* fees are taxes, and taxes cannot be laid but by the Legislature, except in the cases heretofore mentioned, fees settled by one, or two branches thereof, are an unconstitutional and illegal tax. What Coke observes, says Antillon, in his comment on the statute (*de tallagio non concedendo*) "may be fully admitted, without any proof," that "every *settlement of fees* is a tax;" therefore, I presume, some settlement of fees is a tax; what settlement of them, Antillon is a tax? If fees settled by act of Parliament are taxes, why should they cease to be taxes, when settled by the discretionary power of the judges? If when settled by the latter authority they come not within the strict legal definition of a tax, are they on that account less oppressive, or of a less dangerous tendency? According to Antillon, the words "*new fees are not to be annexed to old offices,*" mean "*that the old or established are not to be augmented or altered but by Act of Parliament;*" yet, in "*the old offices, fees may be settled.*" That is, if I comprehend him right, *new* fees may be established by the judges "*for necessary services, when there happens to be no prior provision made by law for those services.*"

How is this interpretation of my Lord Coke's comment to be reconciled with his position, that fees cannot be imposed but by Act of Parliament, and with the doctrine laid down in 2d Bacon already recited? The *legality* of the Proclamation, Antillon has said, is determinable in the ordinary judicatories; does it follow, therefore, that the measure is *constitutional*? On the same principle the assessment of ship-money would have been constitutional; for the legality of that too was determinable in the ordinary judicatories, and it was actually deter-

mined to be legal by all the judges, four excepted; if in that decision the Parliament and people had tamely acquiesced, Proclamations at this day would have the force of laws, indeed would supersede all law.

Antillon's next argument in support of the Proclamation is derived from the necessity of ascertaining precisely by the judgment or final decree, the costs of suits, which are sometimes wholly, sometimes partly composed of the lawyers, and officers fees. If fees are taxes, and taxes can be laid by the Legislature only, that *necessity* (admitting it for the sake of argument to exist) will not justify the settlement of fees by Proclamation; who is to be judge of the necessity? Is the government? Then is its power unlimited. Who will pretend to say, that the *necessity is urgent and invincible*? Such a necessity only, can excuse the violation of this fundamental law; "*The subjects shall not be taxed but by the consent of their representatives in Parliament.*" "If necessity is the sole foundation of the dangerous power" of settling fees by prerogative, when there is no prior establishment of them by law, "it behoves those who advise the exercise of that power, not only to see that the necessity is indeed *invincible*, but that it has not been occasioned by *any fault* of their own; for if it is not the one, the act is in no way justifiable, and if the other, that very necessity which is the excuse of the act, will be the accusation of those, who occasioned it, and in place of being justifiable in their conduct, they must be chargeable, 1st, with the *blame of the necessity*, and next with the danger of the violation of the law, as the drunken man who commits murder, justly bears the guilt both of inebriation and of bloodshed."¹ To whom is the blame of the supposed

¹ Quoted from a pamphlet entitled "A Speech against the Suspending and Dispensing Prerogative," supposed to be written by Lord

necessity, now plead as an excuse for acting against law, imputable? Is it not to those, who rather than submit to a regulation by law of their fees, and to an apprehended diminution of income, chose to shelter themselves under the wings of arbitrary prerogative, and to expose their country to all the difficulties, and distress, which the wanton exercise of an unconstitutional power was sure to introduce?

Who, the least acquainted with the arguments in favor of ship-money, and the *dispensing power*, does not perceive this part of Antillon's defence to be a repetition, and revival of those exploded, and justly odious topics tricked off in a new dress to hide their deformity, the better to impose on the unthinking and unwary. Antillon asserts, that the Citizen from some proceedings of the House of Commons, infers a power in the Commons "alone" to settle the fees of officers belonging to the courts of law. Want of accuracy in the expression has, I confess, given a color to the charge; but Antillon to justify his construction of the sentence referred to, and to exclude all doubt of the Citizen's meaning, has inserted the word "*alone*." "If the Commons," says the Citizen, "*had a right to enquire into the abuses committed by the officers of the courts, they had, no doubt the power of correcting those abuses, an of establishing the fees in those courts, had they thought proper*"—he should have added (to prevent all cavil)—*with the concurrence of the Kings and Lords*. This was really the Citizen's meaning,

Mansfield. Mr. Blackstone, speaking of the very measure which, occasioned that speech, observes: "A Proclamation to lay an embargo in time of peace upon all vessels laden with wheat (though in the time of a public scarcity) being contrary to law, the advisers of such a proclamation, and all persons acting under it, found it necessary to be indemnified by a special Act of Parliament, 7 Geo. 3d. C. 7."

though not expressed; his whole argument should be considered, and taken together; he endeavors all along to prove, that fees are taxes, that taxes cannot be laid but by the Legislature, except in the instances already mentioned, which, as I said before, are exceptions to the general rule. The extracts from the report of the committee were adduced to show, what abuses had crept into practice by officers charging illegal fees; what oppressions the encroaching spirit of office had brought upon the subject; and the controlling power of the House of Commons over the officers of the courts of justice. They resolved, that all the fees should be fixed, and established by authority, that they should be registered in a book, and inspected gratis; that the rates being publicly known, officers might not extort more than the usual, ancient, legal and established fees. It does not appear, that the Commons authorised the judges to create *new* fees, or to alter, or increase the old, but insisted, that a table of all the fees should be made out under the inspection of the judges, and to give it a greater sanction, should be signed and attested by them, to prevent, no doubt, the secret and rapacious practices of officers. That fees are taxes, I hope has been proved; but should it be granted, that they are not taxes, because they have been settled in England by other authority, than the legislative (which I do not admit, if by a settlement of fees under the authority of the judges, an imposition of *new* fees may be meant) still I contend, that a settlement of fees in this province by Proclamation is illegal, and unconstitutional, for the reasons already assigned; to which the following may be added. If a table of fees had been framed by the House of Commons, confirmed by Act of Parliament, and all former statutes relating to fees had been repealed, and a tempo-

rary duration given to the new act, that at its expiration, corrections and amendments (if expedient) might be made in the table of fees; if in consequence of a disagreement between the branches of the Legislature about those amendments, the law had expired, and the Commons had resolved, that an attempt to establish the late rates by Proclamation would be illegal, and unconstitutional would any minister of Great Britain advise his sovereign to issue his Proclamation, under color of preventing extortion, but in reality for the very purpose of establishing the contested rates? If a minister should be found daring enough to adopt the measure, a dismissal from office might not be his only punishment, although he should endeavour to justify his conduct upon legal principles, in the following manner.

The same authority distinct from the legislative, that has settled may settle the fees, when the proper occasion of exercising it occurs: the proper occasion has now presented itself, we have no law for the establishment of fees; some standard is necessary, and therefore the authority distinct from the legislative, which used to settle fees, must interfere, and settle them again; necessity calls for its exertion, and it ought to be active; recourse, I allow, should not be had to its interposition, but in a case of the utmost urgency.

*“Nec deus intersit nisi dignus vindice nodus.”*¹

“Nor let a god in person stand displayed,
Unless the *laboring plot* deserve his aid.”

Such reasoning would not screen the minister from the resentment of the Commons: they would tell him, that the necessity, *“The tyrant’s plea,”* was pretended, not real, if real, that it was occasioned by his selfish views,

¹ Hor., “A.P.,” pp. 121-122. (*Nec deus intersit nisi dignus vindice nodus inciderit*).

which prevented the passage of a law, for the settlement of fees; they would perhaps assert, that a power, distinct from the legislative, unless authorized by the latter, had never attempted to impose fees, since they began to be paid by the people; they might possibly show, that a settlement of fees by the judges, does not imply an authority in them to impose *new* fees, if it should, that the power is unconstitutional, and ought to be restrained; they might contend that a settlement of fees by the judges, was nothing more than a publication under their hands and seals of such fees, as had been usually, and of ancient time received by the officers of the courts; that the publication by authority was made, to prevent the rapacious practices of officers; they would probably refer the minister to my Lord Coke, who says expressly—that, while officers “could take no fee at all for doing their office but of the King, then had they no color to exact anything of the subject, who knew, that they ought to take nothing of them, but when some Acts of Parliament, changing the rule of the common law, gave to the ministers of the King, fees in some particular cases to be taken of the subject, abuses crept in, and the officers and ministers did offend in most cases, but at this day, they can take no more for doing their office, than have been since this act allowed to them *by authority of Parliament.*” (Westminister 1st.)

But let us leave fiction and come to reality; what will the delegates of the people at their next meeting say to *our* minister, this Antillon, this *enemy to his country*,¹ this

¹ Voted by the Lower House. Antillon seems to make very light of those resolves, a wicked minister is never at a loss to find out motives, to which he may ascribe the censure and condemnation of his conduct, these he will impute either to passion, to the disappointment of a faction, or to rancorous and personal enmity; however, if

bashaw—who calls a censure of his measures, arrogance, and freedom of speech, presumption?—They will probably tell him; *you* advised the Proclamation, with *you* it was concerted in the cabinet, and by you brought into Council; your artifices imposed on the Board, and on the Governor, and drew them into an approbation of a *scheme outwardly specious, and calculated to deceive*; you have since defended it upon principles incompatible with the freedom, ease, and prosperity of the province. If your endeavours should prove successful, if the Proclamation should be enforced, we shall never have it in our power to correct the many glaring abuses, and excessive rates, of the old table, adopted by the Proclamation, nor to reduce the salaries of officers, which greatly over pay their services, and give an influence to government, usually converted to sinister purposes, and of course repugnant to the general good.

The monies collected from the people, and paid to officers, amount annually to a large sum; officers are dependent on, and of course attached to government; power is said to follow property; the more, therefore, the property of officers is increased, the greater the influence of government will be; fatal experience proves it already too great. The power of settling fees by Proclamation

the Proclamation is illegal, and of a dangerous tendency the votes alluded to, so far from being justly imputable to any of those causes, ought to be deemed the result and duty of real patriotism. Antillon has compared the votes of a former Lower House against certain religionists, to the late votes against the adviser of an unconstitutional measure. The unprejudiced will discern a wide difference between the two proceedings, but a review of the former would answer no good purpose; it might perhaps, rekindle extinguished animosities; of that transaction I shall say no more than—

Memimus, et ignoscimus,

“ We remember and forgive.”

is utterly inconsistent with the spirit of a free constitution: if the Proclamation has a legal, binding force, then will it undoubtedly take away a part of the people's property without their consent. "Whatever another may *rightfully* take from me without my consent, I have certainly no property in."¹ if you render property thus insecure, you destroy the very life and soul of liberty. What is this power, or prerogative of settling fees by Proclamation, but the mere exertion of arbitrary will? If the supreme magistrate may lawfully settle fees by his sole authority, at one time, why may he not increase them at some other, according to his good will and pleasure?² What boundary, what barrier shall we fix to this discretionary power? Would not the exercise of it, if submitted to, preclude the delegates of the people from interfering in any future settlement of fees, from correcting subsisting abuses, and excesses, or from lowering the salaries of officers, when they become too lucrative? It is imagined, the salaries of the Commissary, and Secretary, from the increase of business, will in process of time, exceed the appointments of the Governor: does not this very circumstance point out the necessity of a reduction? But if the authority to regulate officers' fees, with the concurrence of the other branches of the Legislature, should be wrested from the Lower House, what expectation can we ever have, of seeing this necessary reduction take place?

"That question ought not to be prejudged," says Antillon "is another of the Citizen's objections." Here again he willfully misrepresents the Citizen's meaning. The passage in the Citizen's last paper alluded to by

¹ Molyneux, "Case of Ireland stated."

² Fees were actually increased by Proclamation in 1739, on the application of several sheriffs.

Antillon, is this: “The Governor, it is said, with the advice of his Lordship’s Council of State, issued the Proclamation: three of our provincial judges are of that Council, they therefore advised a measure, as proper, and consequently as legal, the legality of which, if called in question, they were afterwards to determine: is not this in some degree prejudging the question?” Antillon talks of precedents, and established rules; the Citizen says not a word about them, his meaning is too plain to be mistaken, without design. The Council, it has been said, advised the Proclamation, the judges therefore, who were then in Council, and concurred in the advice, thought it a legal measure; the legality of it may hereafter be questioned; as judges of the provincial court, they may be concerned in the determination of the question. Is there no impropriety in this proceeding? if they should determine the Proclamation to be illegal, will they not condemn their former opinion? When they advised the Proclamation, they no doubt judged it to be, not only “*expedient*” but *legal*; possibly the decision of this controversy may rest ultimately with the members of the Council, who constitute the court of appeals; these gentlemen, it seems, unani- mously concurred in advising the Proclamation: “*Is not this to anticipate questions before they come to them through their regular channel; to decide first, and hear afterwards.*”¹

¹ “Whether any officer has been guilty of extortion, is a question, which neither your nor our declaration ought to prejudicate; but that your declaration held out to the public would have, in no small degree, this effect, can hardly be doubted, *and our part particularly*, such a declaration would be the more improper, the *last legal appeal* in this province being to *us*; it would be to anticipate questions, before they come to us through their regular channel, to decide first, and hear afterwards.” *Vide*, Upper House, Message, 20th November, 1770.

Of the twelve counsellors, says Antillon, “Two only were interested.”—Suppose a suit to be brought before twelve judges, two of whom are plaintiffs in the cause, and these two should sit in judgment, and deliver their opinions, would not the judgment, if given in favor of the plaintiffs, be void on this principle, *that no man ought to be judge in his own cause*, such proceeding being contrary to reason and natural equity? Two counsellors only, it seems, were interested, that is *immediately* interested? But might not others be swayed by a remote interest? Are the views of thinking men confined to the present hour? Are they not most commonly extended to distant prospects? If one of the *interested counsellors*, from his superior knowledge of the law, and constitution, and from the confidence reposed in his abilities, should have acquired an uncommon ascendant over the Council, may we not rationally conclude, that *his opinion* would have great weight with *those*, who cannot be supposed equally good judges of the law, and constitution? Supposing this *interested counsellor* to be an *honest man*, ought not his opinion to have the greatest weight with mere laymen on a legal and constitutional question? The Proclamation has no relation to the Chancellor, says Antillon. Does not the Chancellor continue to receive fees in his court according to the rates of the old table? Is not the Governor Chancellor, and has not the Proclamation set up the very rates of the old table? How then can it be said, that the Proclamation has no relation to the Chancellor? Should some refractory person refuse to pay the Chancellor’s fees, what methods would be taken to enforce the payment of them? The Chancellor, I suppose, would decree his own fees to be paid; would he not therefore be judge in his own cause? Or if he should refuse to do the service, unless the fee were paid, at the

instant of performing it, would not this be a very effectual method of compelling payment?

Antillon's strictures in one of his notes on the citizen's crude notions¹ of British polity fall entirely on another person; they are the notions of Montesquieu and of the writer of a pamphlet entitled, "The Privileges of the Assembly of Jamaica Vindicated, etc.," and quoted as such. Notwithstanding the appeal from the court of Chancery to a superior jurisdiction, the impropriety of having the offices of governor, and chancellor united in the same person, must be *obvious to every thinking man*. "The Proclamation was the act of the Governor, flowing from his persuasion of its utility; he was not to be directed by the suffrage of the Council, he was to judge of the propriety of their advice, upon the reasons they should offer; they were twelve in number," and no doubt each offered his reasons apart; all this may be very true, Antillon, and *you* may still remain the principal adviser, the sole *fabricator* of the Proclamation. Was the Proclamation thought of, at one and the same instant by all the twelve? Who first proposed it? If you did not first propose the measure, did you not privately instigate the gentleman, who did propose it to the Board, to make the motion? I know you of old; you never choose to appear openly the author of mischief, you have always

¹ If the Governor may lawfully issue his proclamation for the establishment of fees, and it should receive a legal, binding force from the decree of the Chancellor, who in this province is Governor, or from the determination of judges appointed by him, and removeable at his pleasure, "*Then may he behave with all the violence of an oppressor.*" The will to ordain, and the power to enforce, will be lodged in the same person. I do not assert that the Governor will act tyrannically; "but the true liberty of the subject" (as Blackstone justly observes) "consists, not so much in the gracious behavior, as in the limited power of the sovereign."

fathered your “*mischievous tricks*,” on some one else—to these questions I would request your answer, and rest the truth of the accusation on your averment: but the averments of a “*cankered*” minister are not more to be relied on than his promises. I have charged, you say, all the members of the Council with being your implied dependents; I deny the charge; I have said they were imposed on by your artifices; is it the first time, that sensible men have been outwitted by a knave? You are now trying to engage them on your side, and to make them parties to *your* cause. To raise their resentment against the Citizen, you endeavour to persuade them that they have been treated as ciphers, dependent tools, idiots, a mere rabble,

“*Nos numerus sumus, et fruges consumere nati.*”¹

“We are but cyphers, born to eat and *sleep*.”

To draw the governor into your quarrel, you assert, that I have contradicted him in the grossest manner; but as usual, you have failed in your proof. “In his proroguing speech he has declared, that he issued his Proclamation solely for the benefit of the people, by nine tenths of whom, he believed it was so understood.” That you persuaded him to think the Proclamation was calculated *solely* for the benefit of the people, I easily credit, and that he really thought so, I will as readily admit; your *subdolous* attempts to involve the Governor in *your* guilty counsels, and make him a partner in *your* crimes, discover the wisdom of the maxim, “*The King can do no wrong*,” and the propriety, nay the necessity of its application to the supreme magistrate of this province. I shall adopt another maxim, established by the British Parliament, equally wise and just, “*The King’s speeches are the minister’s speeches*.” The distinction, perhaps, will be ridi-

¹ Hor., “Ep.,” i., 2, 27.

culed with false wit, and treated by ignorance as a device of St. Omers. The proroguing speech, though perhaps not penned, yet prompted by you, suggests that nine tenths of the people understood the Proclamation was issued for their benefit; how is the sense of the people to be known, but from the sentiments of their representatives in Assembly? To judge by that criterion, the Proclamation was not understood by nine tenths of the people as issued for their benefit. That the application of the above maxims should give you uneasiness, I am not surprised; they throw guilt of bad measures on the proper person, on you, and you only, the real author of them; the glory and the merit of good are wholly ascribed to you, by your unprincipled creatures; the spirited reply to the petitioners for a bishop was delivered, it is said, in pursuance of your advice; be it so, claim merit wherever you can, I will allow it wherever it is due; but cease to impose on your countrymen, think not to assume all the merit of good counsels, and of bad to cast the blame on others. Hampden has been deservedly celebrated for his spirited opposition to an arbitrary, and illegal tax; a similar conduct would deserve some praise, and were the danger of opposition and the power of the oppressor as great, the merit would be equal. The violent opposition which Mr. Ogle met with proceeded, I thought, in great measure from the cause assigned in my last paper; it certainly occasioned great discontents.

The decree for the payment of fees "*according to the very settlement of the Proclamation,*" was given, as I conceived, in his first administration. A misconception of Antillon's meaning led me into this error; that I would wilfully subject myself to the imputation of a falsehood so easily detected, will scarcely be credited, unless it be believed, that the hardened impudence, and *habitual mendacity* of an

Antillon, become proverbial, had rendered me insensible of shame and regardless of character. "The citizen has said, the Proclamation ought rather to be considered as a direction to the officers, what to demand, and to the people what to pay, than a restriction of officers." Antillon affects to be much puzzled about the meaning of the word *direction*; it is surprising he should, when he holds up the Proclamation as the standard, by which the courts of justice are to be governed in ascertaining costs, as the only remedy against the extortion of officers, by subjecting them to the governor's displeasure, and removal from office, if they should exceed the established rates, or to a prosecution for extortion, should the legality of the Proclamation be established in the ordinary judicatories. It is a common observation confirmed by general experience, that a claim in the colony-governments of an extraordinary power as incidental to, or part of the prerogative, is sure to meet with the encouragement, and support of the ministry in Great Britain. That the Proclamation is a point which the minister of Maryland, (*our Antillon*) wants to establish, is by this time evident to the whole province. Every artifice has been made use of, to conceal the dangerous tendency of that measure, to reconcile the people to it, and to procure their submission. Opinions of eminent counsel in England have been mentioned, the names of the gentlemen are now communicated to the public; the state on which those opinions were given, though called for, the person who drew it, and advised the opinions to be taken, still remain a profound secret. The sacred name of majesty itself, is prostituted to countenance a measure, not justifiable upon legal and constitutional principles, to silence the voice of freedom and of censure, and to screen a guilty minister, from the just resentment

of an injured and insulted country. The whole tenor of Antillon's conduct makes good the bid observation, "that where ministers are pinched in matter of proceeding against law, they throw it upon the King,"¹ Antillon has represented the Proclamation, as the immediate act of the Governor, "*The Governor was not to be directed, &c.*" Now to give it a still greater sanction, we are told, the Governor's conduct in this very business, has met with the royal approbation. To what purpose was this information thrown out? Was it to intimidate, and to prevent all further writing, and discourse about the Proclamation? Unheard of insolence! The pride and arrogance of this Antillon, has bereft him of his understanding; *quos deus vult perdere prius dementat.*² Speaking of the Proclamation the citizen has said, "*In a land of freedom, this arbitrary exertion of prerogative will not, must not be endured.*" Antillon calls these *naughty, words*, and intimates a repetition of them would be dangerous. In a free country, a contrary doctrine is insufferable; the man who dares maintain it, is an enemy to the people, perhaps, the time may not be very distant when this haughty self-conceited, this *tremendous* Antillon will be obliged to lower his tone, and will find perchance, my Lord Coke's saying prove true, "That the minister, who wrestles with the laws of a free country, will be sure to get his neck broke in the struggle." I have asserted that the citizen's first paper was wrote without the advice, suggestion, or assistance of any person; these words, it seems, are not sufficiently comprehensive; what words of a more extensive import can be made use of? I have denied all knowledge of the paper wrote by the "Independent Whigs," till it was published in the

¹ Grey's "Debates."

² Boissonade's translation into Latin of a fragment of Euripides.

Maryland Gazette; to this moment the “Independent Whigs” are unknown to me. The communication to some gentlemen in private, of a paper wrote against an obnoxious minister, censuring his public conduct, though the strictures might meet with their approbation, ought not to render them so culpable as to justify the minister in loading them with the foulest, and most virulent abuse. Does the writer even deserve such treatment? I was too well acquainted with the temper, and character of Antillon, not to be prepared against the bitterest invectives, which malice might suggest, and falsehood could propagate; such, I was persuaded, a censure of his measures would draw on his censurer. Conscious of my integrity, confiding in the goodness of my cause, and desirous of counteracting the insidious designs of a *wicked minister*, I took up my pen, determined to despise the calumnies of a man, which I knew, a candid public would impute to his malevolence. The event has confirmed my apprehensions; Antillon has poured out the overflowing of his gall, with such fury against the citizen, that to use the words of Cicero applied to Anthony:

*Omnibus est visus vomere suo more non dicere.*¹

He seems according to custom, rather to spew, than to speak.

The extracts from Petyt were to shew, that the Commons had censured proclamations issued to “*establish matters rejected by Parliament in a session immediately preceding;*” That “*Former proclamations had been vouched to countenance and to warrant the latter.*” The Citizen had no intention to deceive the people; no wish, that more might be inferred from his *little scraps*, than what was plainly announced. The proclamations alluded to were contrary to law; and it is conceded, and, I trust, it

¹ Cicero said of Anthony.

has been proved, that the proclamation for settling officers' fees is also contrary to law. Had the Citizen designedly suppressed the titles of the Proclamations recorded in Petyt, would he have mentioned the author's name, and referred his readers to the very page, from which the extracts were taken? Would he not rather have imitated the conduct of Antillon, who speaking in his first paper, of a commission issued by the King to the Chancellor for settling fees, neither mentions the book, from which the quotation is given, nor the time of the transaction. I comprehend fully, Antillon, your threats thrown out against certain religionists; to shew the *greatness of your soul*, and your utter detestation of malice, I shall give the public a translation of your Latin sentence; the sentiment is truly noble, and reflects the highest lustre on its author or adopter; *Eos tamen laedere non exoptemus, qui nos laedere non exoptant*, we would not wish to hurt those who do not wish to hurt us;—in other words, “I cannot wreak my resentment on the Citizen, without involving all of his religion in one common ruin with him; they have not offended me, it is true, but it is better that ninety-nine just should suffer, than one guilty man escape,—a thorough paced politician never sticks at the means of accomplishing his ends; why should I, who have so just a claim to the character?” These, Antillon, are the sentiments and threats, couched under your Latin phrase, which you even were ashamed to avow in plain English; how justly may I retort, *Pudet haec opprobria dici et non potuisse revelli, et dici potuisse*. The conclusion of a late excellent pamphlet¹ is admirably suited to the present subject; I shall therefore transcribe it, taking the liberty of making a few alterations,

¹ Intituled, “A Speech against the Suspending and Dispensing Prerogative.”

and insertions: “If we see *an arbitrary and tyrannical disposition somewhere*, the call for watchfulness is a loud [allowed?]” *That there is such a disposition somewhere and where, we all know, the Proclamation, and the arrogance of its supporter, are convincing proofs.* “A tyrannical subject wants but a tyrannically disposed master, to be a minister of arbitrary power; if such a minister finds not such a master, he will be the tyrant of his prince” —*or prince’s representative*— “as much as of his fellow servants, and fellow subjects. I should be sorry to see,” *the governor of this province*, “in chains, even if he were content to wear them—to see him unfortunately in chains, from which perhaps, he could with difficulty free himself, till the person who imposed them, runs away; which every good subject would, in that case, heartily wish might happen; the sooner, the better for all.”

FIRST CITIZEN.

LETTER IV.

“Though our Kings can do no wrong, and though they cannot be called to account by any form our constitution prescribes, their ministers may. They are answerable for the administration of the government, each for his particular part, and the prime or sole minister, when, there happens to be one for the whole: he is the more so, and the more justly, if he hath affected to render himself so, by usurping on his fellows, by wriggling, intriguing, whispering, and bargaining himself into this dangerous post, to which he was not called by the general suffrage, nor perhaps by the deliberate choice of his master himself.”—Dedication to the Dissertation upon Parties.

The noble author of the Dissertation upon Parties begins his fourth letter with the following sentiment, taken from Cicero’s treatise on the nature of the gods. Balbus, when he is about to prove the existence of a Supreme Being, makes this observation, *Opinionum commenta delet dies, natura autem judicia confirmat*:¹ “Groundless opinions are destroyed, but rational judgments, or the judgments of nature, are confirmed by time.” The observations may be applied to a variety of instances, in which the sophistry and ingenuity of man have been employed to confound common sense, and to puzzle the

¹ Cic., “De N.D.,” ii, 2, 5.

understanding, in order to establish opinions suited to the views of interest, or of power.

An examination of Antillon's arguments and answers to mine will show how forcibly the judicious remark of Balbus applies to the legal subtleties and metaphysical reasonings of my adversary. I shall take his arguments and his answers nearly in the order they occur in his last paper. The revival of the Governor's authority to regulate the fees of officers, on the expiration of the inspection law, is admitted, provided that authority had a legal existence; but the legality of the authority is denied, for whether it be legal or not, is the very matter in debate. "The offices being old and constitutional, and supported by incidental fees, the right to receive such fees is old and constitutional," and therefore my adversary would infer, that the fees settled by Proclamation are old and constitutional.

This inference does not follow from the premises, notwithstanding the crafty insertion of the word *such*.[≠] The offices being old, the right to receive fees may be old; but the question recurs, what fees? of whom? where resides the authority of fixing the rates? for fixed they must be by some authority. That they may be fixed by the Legislature is admitted on all sides; should the different branches of the Legislature disagree about the settlement, what authority must then interpose, and settle the rates hitherto unascertained? Antillon contends that in such case, the supreme magistrate, or the judges acting under an authority delegated from him, may settle them. If this doctrine be constitutional, what security have we against the imposition of excessive fees? Does it not give a discretionary power to the Governor of making what provision he may think proper for his officers, and of rendering them independent of the people?

When a service is performed, the performer is clearly entitled to some recompence, but whether he is to receive that recompence from the person served or from another, may be a matter of doubt, the quantum of the recompence may not be ascertained, either by contract, by usage, or by law, and then, in case of a dispute, must be settled by the verdict of a jury.

If the authority to regulate the fees of officers by Proclamation be illegal, the Proclamation can prevent the extortion of officers only by operating on their fears of the Governor's displeasure, and of a removal from office; "But if the Proclamation had not issued prohibiting the officers from taking *other* or greater fees than allowed by the late inspection act, then would the officers have had it in their power to have demanded *any fees*." Their rapacity, perhaps, might have prompted them to demand most excessive fees; but under what obligation were the people to comply with their exorbitant demands? Suppose a person should carry a deed to be recorded in the provincial office; the clerk refuses to record it unless the party will pay him fifty guineas; must he submit to this unreasonable exaction, or run the risk of losing his property by suffering his title to remain incomplete? To avoid that danger, the money is paid; will he not be entitled to recover of the officer by the verdict of a jury, what they might think above the real value of the service? Or, suffering his title to remain incomplete, might he not sue the officer for damages, first tendering a reasonable fee adequate to the trouble and expence of recording the deed? Answer, Antillon, without equivocation, yes, or no. If the officer might be indicted for extortion, what benefit could the people expect from such a prosecution, when the power of granting a *nolle prosequi* is confessedly vested in the government? The present

regulation, we are told, “contains no enforcement of payment from the people, the officer being left to his legal remedy.” There is not, it is true, any immediate enforcement of payment, unless, indeed, the officer should refuse to do the service, which, as I formerly remarked, would be in most instances an effectual method of enforcing payment.

Suppose the officer should not insist on an immediate payment, and that his account of fees should be contested; he brings an action to recover his fees, according to the very settlement of the Proclamation; to whose decision is this question to be left? To the judges? or to a jury? If to the former and they should be of opinion, that the Governor has a right to regulate fees by Proclamation, when there is no prior establishment by law, and the defendant should refuse to submit to the sentence of the court, he will be committed to jail, or the sum will be levied by execution of his effects; distress though delayed for some time, will surely overtake him in the end. Some of the judges discover a disinclination to remain in office; they solicit a removal, granted and approved of; others are requested to succeed them; should he not have cause to suspect the rectitude of applications made to men who have publicly declared their opinion of the legality of the measure attempted to be enforced by the sanction of the courts of justice?

Other methods may be employed to enforce the Proclamation. The powers of government will awe the timid into a compliance; the necessitous cannot withstand the force of temptation, or the threats of power, the disobedient and refractory must relinquish all hopes of promotion, or of promoting their friends; who have favours to ask at court, must merit court favor by setting examples of duty and submission.

It has been alleged that fees are taxes; to prove the assertion, the authority of Coke and reasons grounded on the general principles of the constitution have been produced; mark how, Antillon has endeavored to get over the authority, and confute the reasons. One of the great objections to the Proclamation is, that it imposes a tax on the people, and consequently is competent to the Legislature only. Antillon contends, that fees are improperly stiled taxes, because they have been settled by the separate branches of the Legislature, which only can impose a tax. I have already exposed the sophistry of this argument, I hope to the satisfaction of the unprejudiced; some farther elucidation, however, may be necessary to men not thoroughly conversant with the subject. The Lords and Commons, and the Upper and Lower Houses of Assembly have each separately settled the fees of their respective officers by the particular usage of Parliament, which must be deemed an exception to the general law, and ought, as all exceptions, to be sparingly exercised, and in such cases, and in such manner, only as the usage will strictly warrant. It was foreign to my purpose to inquire into this usage, custom or law of Parliament, to investigate its origin, or to examine its constitutionality. On an inquiry, it would perhaps be found coeval with Parliaments. But do you, Antillon admit the right of the Lower House to rate the fees of its officers? If you do not admit the right, to argue from the mere exercise of it, is certainly unfair in *you*. You still insist that I have admitted the right of the judges to settle the fees of the officers attendant on their courts; be pleased to turn to the passage in my answer to your first paper, part of which you have cited, and then be candid enough to acknowledge, if you have not willfully misrepresented, that you have mistaken my

meaning. The major proposition, that taxes cannot be laid, but by the Legislature, I have admitted with this exception, "*saving in such cases,*" &c. It was not incumbent on me to prove the exception, it is sufficiently proved by the journals of Parliament; the *right* or the *power* if you like that word better, has been frequently exercised, whether constitutionally, or not is another question. The two Houses of Parliament are the sole judges of their own privileges, with which I shall take care not to intermeddle. Inconsistencies in all governments are to be met with; in ours the most perfect, which was ever established, some may be found.

A partial deviation from a clear and fundamental *maxim* of the constitution cannot invalidate that *maxim*. To explain my meaning. It is a settled principle of the British constitution, that taxes must be laid by the whole Legislature, yet in one instance, perhaps in more, the principle hath been violated. The separate branches of the Legislature have settled the fees of their own officers. Antillon has inferred from that exception to the general rule, or maxim which exception should be considered as the peculiar privilege of Parliament "that fees are not taxes." He has admitted, (if I comprehend his meaning) that fees are sometimes taxes, that is, when imposed by the Legislature; but when regulated by the judges they come not within the legal definition of a tax. Thus the fees regulated by the late inspection law were taxes, the same fees now attempted to be established by proclamation cease to be taxes because regulated by an authority distinct from the legislative; but are their nature and effects altered by these two different modes of settlement? Should an act of Parliament pass for the payment of the identical fees, laid to be paid to officers, under the sole authority of the judges; according to Antillon's doctrine,

the fees thus established by act would become instantly taxes; but are they less oppressive, because settled by the discretion of the judges? I presume to think them more oppressive, because of a more dangerous tendency, particularly from a disagreement between the branches of the Legislature, that authority may interpose, and establish the very fees, and along with them, a variety of abuses which the representatives of the people wish to have reformed. “The judges are not governed by the law of Parliament, they have no authority to tax the subject, but their allowance of fees to their necessary officers is lawful—” of ancient fees—admitted. I had observed— “*It does not appear that the judges have ever imposed new fees by their sale authority.*”

In answer to this Antillon remarks “that the fees when originally allowed were *new*, and the allowance being made by the judges therefore they originally allowed *new* fees, and if fees when originally taxed were new, they have not ceased to be taxes in consequence of the frequent repetition of the acts of payment and receipt, and of their having obtained the denomination *ancient fees*.” It will be proper to remind Antillon of another observation which I made in my former papers on this very subject, and of which he has taken no notice. The King originally paid *all his officers* out of his own revenue; the subject was not taxed to support the civil establishment; in extraordinary emergencies, as foreign or civil wars; tenths, fifteenths, and other impositions were granted by the common Parliament to defray extraordinary expenses. It was consistent with the principles of the constitution, and agreeable to justice, that the King who paid *all his officers* out of his own purse, should have the right of ascertaining their salaries, or of delegating that right to his judges. The ancient fees so often spoken

of, were those perhaps, which the King formerly paid, and were settled by the judges, I say perhaps, for in a matter so obscure, it would be rash to pronounce decisively. If I am right in this conjecture, *ancient* fees were not originally taxes because not paid originally by the people.

Ancient usage, according to Bacon, gave fees an equal sanction with an act of Parliament; upon this principle I apprehend that such fees are presumed to have been originally established by the proper authority, although their commencement and the authority which imposed them at this day be unknown— “At common law, none of the king’s officers whose offices, did *any way* concern the administration of justice, could take any reward for doing their office, but what they received of the King—” These words are sufficiently comprehensive to take in all the inferior ministers and officers of the courts of Justice. The fee of 20s. commonly called the bar fee was an *ancient fee*, says Coke, taken *time out of mind* by the sheriff of every prisoner acquitted of felony; “and therefore according to the above principle laid down by Bacon, acquired an equal sanction with fees established by law;” an office “erected for the public good, though no fee is annexed to it, is a good office, and the party for the labor and pains which he takes in executing it, may maintain a *quantum meruit*, if not as a fee, yet as competent recompence for his trouble.” This clearly relates to an office newly erected; but what follows seems to include the unsettled fees of all offices new and old. “Where a person was libelled in the ecclesiastical court for fees, upon motion, a prohibition was granted for *no court has a power to establish fees*; the judges of the court may think them reasonable, but this is not *binding*.” But if on a *quantum meruit*—a jury thinks them reasonable, then they become

established fees;—probably the fees, which now go under the denomination, *ancient fees*, and not expressly given by act of Parliament, were originally established by the verdict of a jury, and their having been long allowed by the courts of justice, may be deemed presumptive evidence of such establishment.

The method of reforming abuses in the courts of justice by the presentment of experienced practicers upon oath, appointed by the judges, to inquire what fees had been exacted other than “*the ancient and usual fees*,” seems to favor this conjecture. In the year 1743 an order was made in chancery by Lord Hardwicke reciting, that the King, upon the address of the Commons, had issued his commission for making a diligent and particular survey, and view of all officers of the said court, and inquiring what fees and wages every one of these officers, might, and ought *lawfully* to have in respect of their offices, and what had of late time “been unjustly and [unlawfully] imposed upon the subject, etc.” “Then are added”—continues Antillon, “tables of fees of the respective offices, and among the fees settled by this order are the fees of the master of the rolls,” who advised and assisted the chancellor in making the settlement. How is this transaction to be reconciled with the doctrine of Hawkins, “that the courts of justice are not restrained from allowing reasonable fees to their officers, as the chief danger of oppression is from officers being left at liberty to set their *own rates*, and make their *own demands*?” In this instance certainly, if by the settlement aforesaid an imposition of new fees, and not an authentication of the old established fees, be understood, the master of the rolls was advised with, and assisted in setting his own rates. Is this proceeding consonant to the principles of justice? What says Hawkins? “There

can't be so much fear of abuses when officers are restrained to *known* and *stated fees* settled by the discretion of the courts, because the chief danger of oppression etc." Should the judges be any ways interested in the settlement¹ of their officer's fees, would not the reason assigned by Hawkins for the interposition of their authority, in the manner explained by Antillon, operate most forcibly against the exercise of it? Would it for instance be agreeable to equity and natural justice, to permit the Secretary of this Province to settle the fees of the county clerks, on the gross amount of whose lists he receives a clear tenth; carry the case a little farther; suppose the practice had long prevailed of offering the Secretary a genteel present on every grant of a commission for a county clerkship? The gratuity would probably bear some proportion to the value of the place bargained for. Do the judges in Westminster Hall receive gratuities on granting offices in their appointment? If they do, Hawkins' reason is *felo de se*; it is the strongest that can be urged against the power, which it is meant to support. If the judges have an interest in the offices, in their disposal, a discretionary power to allow fees to their officers, is in some measure a power of settling their *own rates* and making *their own demands*. Coke's authority proves most clearly, that new fees annexed to old offices are taxes; whether the fees settled by proclamation are *new fees* remains to be considered: "fees," says Antillon "may be due without a precise settlement of the rates, and the right to receive them, may be coeval with the first creation of the offices, as in the case of our old and constitutional offices; when such fees are settled they

¹ If such settlement implies a discretionary power in the judges to fix the precise rates to be paid to their officers, when they are not fixed by ancient usage, the verdict of a jury, or by Act of Parliament.

are not properly *new* fees, and therefore a regulation restraining the officer from taking beyond a stated sum for each service, when he was before entitled to a fee for such service is not granting or annexing a *new fee* to an old office.”

The question therefore is now reduced to these two points—1st, Has not government attempted to settle the rates of officers’ fees by proclamation? 2dly, Are not fees so settled—new fees? If they are, upon Antillon’s own principle, government hath no right to settle them. The restraint laid on officers, by the Proclamation from taking *other* or *greater* fees than allowed by the late regulation, can be considered in no other light than an implied affirmative allowance to take such fees, as were allowed by that regulation, and of course must be deemed *an intended* settlement of the rates.¹ The fees payable to our old and constitutional officers, have been differently rated by different acts of Assembly; those various rates were never meant to be extended beyond the duration of the temporary acts, by which they were ascertained, for one principal reason of making those acts temporary, we have seen, was to reduce the rates occasionally, and to lessen the burthen of them. On the expiration therefore of the late inspection law, the regulation of officers’ fees expired with it, that is, there remained no obligation on the people to pay the rates settled by that, or any former regulation, and consequently the fees, as to the *quantum* or precise sum, were then unsettled. Government entertained the same opinion, and issued a Proclamation to ascertain the rates, or as is sometimes pretended to prevent extortion, because the rates being unsettled, the officers might have demanded *any fees*; the fees there-

¹ I say intended, because the settlement by Proclamation being illegal, is in fact no settlement.

fore, not being settled when the inspection law fell, the settlement of them by proclamation was a *new* settlement, and of course the fees so settled were *new*, but new fees, according to Coke cannot be annexed to old offices unless by act of Parliament; his authority therefore, even as explained by Antillon, proves that a settlement by proclamation of fees due to *old* officers is illegal. A mere right in officers to receive fees, cannot be oppressive: the actual receipt only of excessive or unreasonable fees is oppressive; now, who are the properest judges whether fees be excessive or moderate? Officers certainly are not, the same objections which may be made to their decision, apply to the Governor, and most of them to the judges; juries may be partial or packed.

All these considerations plead strongly for a legislative regulation, which is liable to none of the objections hinted at. The doctrine laid down by Antillon in opposition to Coke's, teems with mischief and absurdities—"Old officers have a right coeval with their institution to receive fees," the inference therefore "when their fees are not ascertained by the Legislature, the judges may ascertain them," is by no means logical, it contradicts the most notorious and settled point of the constitution, it lodges a discretionary power in the judges appointed by the Crown, and formerly removable at pleasure, to impose excessive fees, and consequently to oppress the subject, without a possibility of redress, should the King or Lords refuse to concur with the Commons in passing a law to moderate the rates, and to correct abuses.—"The governor adopted the late rates as the most moderate of any."—If he might have adopted any other rates, his *exceeding lenity* deserves our warmest thanks; but then we are more indebted to his indulgence, than to the limitation of prerogatives; we cannot therefore be said to

enjoy true liberty, “for that,” (as Blackstone justly observes) “consists not so much in the gracious behavior, as in the limited power of the Sovereign.”

According to Antillon—“The late regulation of fees expiring with the temporary act, the governor’s authority to settle the rates revived,” and he insinuates that, it was optional in him to adopt the rates of the late, or of any prior regulation, or even to prescribe rates entirely new. “If the old and constitutional officers have a right to receive fees, have they not, it may be asked, a remedy to come at that right, and if so, what remedy?” The remedy, which the constitution has given to every subject under the protection of the laws. If a contest should arise between the officer and the person for whom the service is done, about the quantum of the recompence, the former must have recourse to the only true and constitutional remedy in that case provided, the trial by jury. Among other great objections to the Proclamation, at least to Antillon’s defence of it, are his endeavors to set aside that mode of trial, the best security against the encroachments of power, and consequently the firmest support of liberty. The person, who calls himself Antillon, has filed a bill in chancery for the recovery of fees, principally due for services done at common law; by appealing to the court of chancery, of which the governor is sole judge, and in whom, he contends, the will to ordain the rates, and the power to enforce them are lodged, he has endeavored to establish a tyranny in a land of freedom.¹ In answer to the declaration of Chief Justice Roll, I shall give the declaration of a subsequent chief justice, of greater, at least, of equal authority. The case I allude to is reported by Lord Raymond, Vol. I. p. 703. It was

¹ See the Governor’s answer to the address of the House of Delegates in 1771.

attested by council that the court of King's Bench, or judge of assize respectively, would exert their authority and commit persons refusing to pay fees due to the *old officers* of the courts, and that this was the constant practice. "But Holt, chief justice said, he knew of no such practice; he could not commit a man for not paying the said fees. If there is a right, there is a remedy; an *indebitatus assumpsit* will lie, if the fee is certain, if uncertain, a *quantum meruit*—" and in both instances, a jury is to be judge. From hence it may be collected, that when the fees claimed by the *old* and constitutional officers were *unascertained* recourse was had to a jury, that their verdict might ascertain them. When fees are due to old officers, and not settled by the Legislature, a jury only, upon the principles of our constitution can settle them.

The uniform practice of the courts cannot establish a doctrine inconsistent with those principles. "If on enquiry into the legality of a custom, or usage, it appears to have been derived from an illegal source, it ought to be abolished; if originally invalid, length of time will not give it efficacy." It has been already noticed that the authority exercised by the judges of settling fees, that is, of ascertaining the *ancient* and *legal fees*, in pursuance of a commission issued by the King, on the address of the House of Commons, is very different from the authority now set up, of settling fees by proclamation, issued contrary to the declared sentiments of the Lower House of Assembly; if judges in this Province may settle fees because the judges in England have settled them, in the manner above-mentioned, where was the necessity of ascertaining fees by proclamation? Was it to influence and guide the decision of our judges? If they have a right to exercise their own judgment in settling fees, in

fact, in imposing them, why was a standard held up by the supreme magistrate for their direction? In setting up that standard, is it not notorious, that he was advised, and principally guided by the very man who is most benefited by that illegal settlement? Notwithstanding the misrepresented power of the English judges to regulate fees, and the different orders of the courts in Westminster Hall for restraining the exaction of illegal fees, the encroaching spirit of office had rendered all the precautions of the judges ineffectual; insomuch, that the Commons in the year 1730 were obliged to take the matter under their own consideration. I mentioned in a former paper that transaction. In consequence of the enquiry a report was made by the committee in 1732 to the House of Commons, from which I gave some extracts in my first answer to Antillon. It appears from the report, “That orders had been sometimes made for the officers to hang up publicly lists of their fees, most of which lists are since withdrawn, or have been suffered to decay and become useless; that the officers themselves seemed often doubtful what fees to claim, and *most of them* relied upon no better evidence than some information from their predecessors, that such fees had been demanded and received.” It is hereby evident, that the regulation of officers fees had been long neglected, that in consequence of such neglect excessive abuses had crept into practice, and had grown from length of time into a kind of established rights; that a thorough discovery and reformation of those abuses required more time and attention than the Commons could spare from more important objects. As well might they have attempted to cleanse the Augean stables, a work, which the strength only of a Hercules could accomplish; disgusted with the tediousness and intricacy of the inquiry, they probably

chose to refer the correction of abuses to the judges, men of integrity, and best acquainted with the practices of their own officers, and of course best qualified to reform them.

It is asserted by Antillon that the legislative provisions do not extend to any considerable proportion of the fees of officers and therefore, that by far the greatest part of officers' fees hath been settled by allowance of the courts, and not of statutes—this fact may be admitted, and the inference he would draw from it be denied; that judges have allowed fees to their officers in the first instance, without the intervention of a jury to ascertain them. If the judges have acted thus, they have certainly assumed a power contrary to the Petition of Right, contrary to this first and most essential principle of the constitution, “that the subject shall not be compelled to contribute to any tax, tallage, aid or *other like charge*, not set by common consent in Parliament.” All levies of money from the subject by way of loan or benevolence, are also cautiously guarded against by the Petition of Right. The very *putting* or *setting* a tax on the people, though not levied, has been declared illegal; even a *voluntary* imposition on merchandise—*granted* by the merchants, without the approbation of Parliament, gave umbrage to the Commons, was censured and condemned. “This imposition though it were not set on by assent of Parliament, yet it was not set on by the *King's absolute* power, but was granted to them by the *merchants themselves*, who were to be charged with it. So the grievance was the violation of the right of the people in setting it on without their assent in Parliament, *not* the damage that grew by it, for that did only touch the *merchants*, who could not justly complain thereof, because it was their own act and grant.” Petyt purliam: p. 368-369.

A tax may be defined a rate, settled by some public charge, upon lands, persons or goods. By the English constitution the power of settling the rate is vested in the Parliament alone, and in this province in the General Assembly.

Representation has long been held to be essential to that power, and is considered as its origin; upon this principle the House of Commons, who represent the whole body of the people, claim the exclusive right of framing money bills, and will not suffer the Lords to amend them. The regulation of officers' fees in Maryland has been generally made by the Assemblies. The authority of the Governor to settle the fees of officers has twice only, as we know of, interposed, but not then, without meeting with opposition from the delegates, and creating a general discontent among the people, a sure proof that it has always been deemed dangerous and unconstitutional. The fees of officers, whether imposed by Act of Assembly, or settled by proclamation, must be considered as a public charge, rated upon the lands, persons or goods of every inhabitant holding lands, or possessed of property within this Province. That they have been looked upon as such by the officers themselves, is evident from their lodging lists of their respective fees with the deputies from this Province to the Congress at New York, who might thereby be enabled to make known to his majesty, and to the Parliament, the great expence of supporting our civil establishment. The author of the "Considerations" once entertained the same idea, but such is the versatility of his temper, such his contempt of consistency, that he changes his opinions, and his principles, with as little ceremony as he would change his coat. Speaking of the sundry charges on tobacco—"The planter" (says he) "pays a tax at least equal to

what is paid by any farmer of Great Britain possessed of the same degree of property, and moreover the planter must contribute to the support of the *expensive internal government of the colony* in which he resides." Now, the support of civil officers, unquestionably constitutes a part of that expence—he then refers to the appendix, where we meet with the following note. "The attentive reader will observe, that the nett proceeds of a hogs-head of tobacco at an average are 4£ and the taxes 3£—Quaere—how much per cent. does the tax amount to which takes from the two wretched tobacco colonies 3£ out of every 7£—and how deplorable must their circumstances appear when their vast debt to the mother country and *the annual burthen of their civil establishments* are added to the estimate."

Impressed with the same idea were the conferrees of the Upper House in the year 1773. In their message of the 20th of November they assert "Public offices were doubtless erected for the benefit of the community, and for the same purpose are emoluments given to support them." All taxes whatever are supposed to be imposed and levied for the benefit of the community. If then fees are taxes, *or such like charges*, it may be asked, how came Parliament to place such confidence in the judges as to suffer them to exercise a power, of which those Assemblies have always been remarkably tenacious, and which is competent to them only? I might answer this question by asking another; how came many unconstitutional powers to be exercised by the Crown, and suffered by Parliament? for instance, the dispensing power—the answer is obvious; it required the wisdom of ages, and the accumulated efforts of patriotism, to bring the constitution to its present point of perfection; a thorough reformation could not be effected at once; upon the

whole, the fabrick is stately and magnificent, yet a perfect symmetry, and correspondence of parts is wanting; in some places, the pile appears to be deficient in strength in others the rude and unpolished taste of our Gothic ancestors is discoverable—“*hodieque manuet vestigia ruris.*” It does not appear in many instances, upon what occasions, and in what manner, the judges have allowed fees to their officers—that is, have permitted them to take fees, not before settled by law, usage, or the verdict of a jury. The power if conclusive on the subject, and if exercised in the manner explained by Antillon, is unjustifiable and may be placed among those contradictions, which formerly subsisted in the more imperfect state of our constitution, and of which some few remain even unto this day. How it came to be overlooked by Parliament may be accounted for somewhat after this manner. The liberties, which the English enjoyed under their Saxon Kings, were wrested from them by the Norman conquerer; that invader entirely changed the ancient constitution by introducing a new system of government, new laws, a new language and new manners. The contests, which some time after ensued between the Plantagenets, and the barons, were struggles between monarchy and aristocracy, not between liberty and prerogative: the common people remained in a state of the most abject slavery, a prey to both parties, more oppressed by a number of petty tyrants than they probably would have been by the uncontroled power of one.

Towards the close of the long reign of Henry the 3rd we meet with the first faint traces of a House of Commons; that house, which in process of time, became the most powerful branch of our national assemblies, which gradually rescued the people from aristocratical, as well as from regal tyranny, to which we owe our present

excellent constitution, derived its first existence from an usurper¹ Edward the First has merited the appellation of the English Justinian by the great improvements of the law, and wise institutions made in his reign. He renewed and confirmed the great charter, and passed the famous statute, *de tallagio non concedendo*, against the imposition of, and levying taxes without consent of Parliament. Within the meaning of which act, says Coke, are new fees annexed to old offices. Have any new fees been annexed to old offices since that period by the sole authority of the judges? or have they increased the old and established fees? if either, they have certainly acted against law. If Coke was of opinion, that the judges had a discretionary power to settle the fees of old offices, it is most surprising he did not intimate as much in his comment on this statute, so often quoted. He not only ought to have declared his opinion on that occasion, but also to have shewn the difference between a settlement of fees due of old and constitutional offices and the annexing new fees to old offices. I believe it would have puzzled him, as much as it has Antillon, to shew the difference; in reality, there is none, they are but different names for the same thing. Although the necessities of Edward, and the exigency of the times, forced him to submit to those limitations of prerogative, he frequently broke through them; from whence we may conclude, that public liberty was imperfectly understood in that rude and unlettered age, and little regarded by a prince impatient of restraint, and fond of arbitrary power, though inclined to dispense equal justice among his subjects. The fatal catastrophe of his son, and the causes which occasioned it, are well known. In those

¹ Simon Montfort, Earl of Leicester. *Vide* 1st vol. Parliamentary History.
vol. 1-22

times of discord and distraction, the greatest enormities were committed by the very men, who under the pretence of reforming abuses, sought to promote their own power.

Equally unfortunate, and equally unfit for improving the constitution, was the reign of Richard the 2nd. Hume teaches us what idea we ought to form of the English government under Edward the 3rd— “Yet on the whole it appears that the government at best was only a barbarous monarchy, not regulated by any fixed maxims, nor bounded by any certain undisputed rights, which were in practice regularly observed. The King conducted himself by one set of principles, the barons by another, the commons by a third, the clergy by a fourth; all these systems of government were contrary and incompatible: each of them prevailed according as incidents were favorable to it.” This short historical deduction may seem foreign to my subject, but it really is not. The frequent and bare-faced violations of laws favorable to the people, the pardoning of offences of the deepest dye, committed by men of the first distinction, or the inability to punish the offenders, the corruption and venality of the judges, all tend to discover that practices as subversive of liberty, as a discretionary power in the judges to impose fees, went unnoticed, or remained unredressed. From the deposition of Richard the 2nd to the battle of Bosworth, the English were continually involved in wars, foreign or domestic. *Silent leges inter arma.*

We may presume, during that period, the courts of justice were but little frequented, and the business transacted in them inconsiderable; from whence we may infer, that the rules of practice, and orders established by the judges in their courts being slightly known to the

nation at large, escaped the notice of Parliament, in a time of general poverty, and confusion. Frequent insurrections disturbed the peace of Henry the 7th. The first Parliament of his reign was chiefly composed of his creatures, devoted to the house of Lancaster, and obsequious to their sovereign's will. The 2nd Parliament was so little inclined to inquire into the abuses of the courts of law, or into any other grievances, that the Commons took no notice of an arbitrary taxation, which the king a little before their meeting, had imposed on his subjects. His whole reign was one continued scene of rapine and oppression on his part, and of servile submission on that of the Parliament. "In vain (says Hume) did the people look for protection from the Parliament: that assembly was so overawed, that at this very time, during the greatest rage of Henry's oppression the Commons chose Dudley their speaker, the very man, who was the chief instrument of his oppressions." Henry the 8th governed with absolute sway; Parliaments in that prince's time, were more disposed to establish "tyranny than to check the exercise of unconstitutional powers"¹ During the reigns of Edward the 6th, Mary and Elizabeth, these assemblies were busily engaged in modelling the national religion to the Court standard; their obsequiousness in conforming to the religion of the prince upon the throne, at a time, when the nation was most under religious influence, leaves us no room to expect a less compliant temper in matters of more indifference. In truth; under the Tudors, Parliaments generally acted more like the instruments of power, than the guardians of liberty.

The wise administration of Elizabeth made her people

¹ An Act was passed in his reign to give proclamations the force of law.

happy. Commerce began to flourish, a spirit of industry and enterprise seized the nation; it grew wealthy, and law, the usual concomitant of wealth, increased. "In the 40th year of her reign, a presentment upon oath of 15 persons for the better reformation of sundry exactions and abuses supposed to be committed by the officers, clerks, and ministers in the high Court of Chancery was shewed to the Committee" (appointed by the House of Commons in 1739, to inquire into the abuses of the courts of law and equity), "by which presentment it plainly appeared who were the officers of the Court at that time and what were their legal fees." It appears from the same report, that the officers of the Court of Chancery had exceedingly increased since the 40th year of Elizabeth to that time, by patents and grants, and in consequence, I suppose, of the increased business of the Court. It likewise appears from the report aforesaid, that commissions had frequently issued in former times to inquire into the behavior of the officers in the courts of justice, with power to correct abuses. The enrolment of two such commissions in the reign of James the 1st, and four in the reign of Charles the 1st, were produced to the committee, but they certify that no such commission had issued since the Reformation.

During the reign of Charles the 2nd, Parliaments were sedulously employed in composing the disorders consequent on the civil wars, healing the bleeding wounds of the nation, and providing remedies against the fresh dangers with which the bigotry and arbitrary temper of the king's brother threatened the constitution. Since the Revolution Parliaments have relaxed much of their ancient severity and discipline. Gratitude to their great deliverer, and a thorough confidence in the patriotic princes of the illustrious house of Brunswick have ban-

ished from the majority of those assemblies all fears and jealousies of an unconstitutional influence in the Crown. Parsimonious grants of public money have grown into disuse; a liberality bordering upon profuseness has taken place of a rigid and austere economy; complacence and compliment have succeeded to distrust and to parliamentary inquiries, into the conduct and to impeachments of *ruling ministers*. While Parliaments continue to repose this unbounded confidence in his Majesty's servants, we must not expect to see them very solicitous to lessen the profits of officers appointed by the Crown. Political writers in England have complained bitterly of the vast increase of officers, placemen, and pensioners, and to that increase have principally ascribed an irresistible influence in the Crown over those national councils. Will any impartial man pretend to say that these complaints are altogether groundless? exaggerated they may be. Let us, my countrymen, profit by the errors and vices of the mother country; let us shun the rocks, on which there is reason to fear her constitution will be split. The liberty of Englishmen, says an admired writer, can never be destroyed but by a corrupt Parliament, and a Parliament will never be corrupt if government be not supplied with the means of corrupting. Among these various means, we may justly rank a number of lucrative places in the disposal of the Crown.

A member¹ of the House of Commons speaking on this very subject, before the House, expressed himself in the following manner: "But the Crown having by some means or other got into its possession the arbitrary disposal of almost all offices and places, ministers soon found that the more valuable those offices and places

¹ Edward Southwell, Esq.; *vide* Debates of the House of Commons for the year 1744, anno. 18 George 2nd.

were, the more *their* power would be extended; therefore, they resolved to make them lucrative as well as honorable, and from that time they have been by degrees increasing not only the number of offices and places, but also the profits and perquisites of each.” “Not only large salaries have been annexed to every place or office under government, but many of the officers have been allowed *to oppress the subject by the sale of places under them, and by exacting extravagant and unreasonable fees*, which have been *so long suffered* that they are now looked upon as the *legal perquisites* of the office, nay, in many offices they seem to have got a *customary right* to defraud the public, and we know how careful some of our late ministers have been to *prevent or defeat any Parliamentary inquiry into the conduct and management at any office.*”

I am inclined to think that some of our former Assemblies foresaw the great power, which the offices established in this province for the futherance of justice, and administration of government, would sooner or later throw into the hands of the persons invested with those offices; a little foresight might have discovered, that their incomes would increase amazingly with the rapid increase of population, trade, and law. Aware of the danger they wisely determined to provide a timely remedy, and fell upon the true, and only expedient, by passing temporary laws for the limitation of officers fees, not by delegating that most important trust to judges removable at pleasure, liable to be swayed, perhaps, disposed to overlook the evil practices of their officers, and even to countenance “*the new invented and colourable charges of combined interest and ingenuity.*” I have mentioned the great abuses, which had infected the courts of justice in England, the methods these pursued to correct

them, and to prevent the exaction of *new* and illegal fees, and the long interruption of those methods, or inquiries.

The grievance had become so intolerable that the Commons were at last forced to take cognizance of it themselves; from the necessity of their interposition, either a neglect in the judges to reform abuses, or a want of power is deducible; and hence this other inference may be drawn, that a law, limiting the fees of officers, is the best method of preventing their encroachments and illegal practices. Notwithstanding the late law many abuses had been committed by officers in the manner of charging their fees under that law. These abuses, if the Proclamation should be enforced, will continue, and go on increasing till they become insupportable to a free people, or the people be enslaved by a degenerate and abject submission to that arbitrary exertion of prerogative. The necessities of the English kings, which constrained them to have frequent recourse to Parliamentary aids, first gave rise to, then gradually secured, the liberty of the subject. In this Colony, government is almost independent of the people. It has nothing to ask but a provision for its officers; if it can settle their fees without the interposition of the Legislature, administration will disdain to owe even that obligation to the people. The delegates will soon lose their importance, government will every day gain some accession of strength; we have no intermediate state to check its progress; the Upper House, the shadow of an aristocracy, being composed of officers dependent on the Proprietary and removable at pleasure, will, it is to be feared, be subservient to his pleasure and command.

I shall now proceed to examine Antillon's answer to my former arguments against the power of regulating fees by proclamation. The whole force of his first answer depends

on the revival of the authority, which he contends existed before the enactment of the temporary law; if that authority is illegal, it did not exist, and consequently could not revive. The reasons already assigned prove the illegality. 2nd Answer: "Parliament may have peculiar motive, &c. &c." Parliament it is true, may have many motives for settling fees in various instances. To preclude a discretionary power in the judges, incompatible with the spirit of our constitution, and to obviate the inconveniences resulting from uncertainty, and endless litigation, should induce Parliament to settle the fees in every instance. The notion of the judges and the Parliament having a co-ordinate power, which might clash, was never entertained; from the absurdity of two co-equal powers subsisting in the same state, a subordination of the judges to Parliament was inferred; but if mercenary officers, or an artful intriguing minister, by obstructing a legislative regulation of fees, may leave the power of the judges uncontrolled by Parliament, and at liberty to act, then do I insist, that the authority of Parliament to regulate fees may be rendered altogether useless and nugatory.

3rd Answer: "I might in my turn suppose &c., &c." Thus may the most insolent, profligate, and contemptible Minister, that ever disgraced a nation, or the prince, suppose every opposition to his measures flows from similar motives. I argue not upon supposition, but from facts. The late regulation of fees was unequal, therefore unjust. A planter paid 20s for the same service, which cost the farmer only 10s. To place all the subjects on equal footing was doing equal justice to all; it was bringing back the law to its true spirit and original intent. Abuses had crept into practice, owing either to design, or to a misconception of the act, or to a doubtfulness of expression; among others, fees were often charged for

services not done; the delegates attempted to reform these abuses, and to lessen the rates where excessive; in this laudable attempt they were disappointed by the obstinacy and selfishness of men, who made themselves judges of their *own merits* and *own rewards*. I agree with Antillon: "That our Constitution may be much improved by altering the condition of our judges, by making them independent, and allotting them a liberal income." But I fancy the delegates would disagree with him about the means. They perhaps would propose to lessen the exorbitant income of an inferior officer, who does little to deserve it, who grows more insolent as he grows more wealthy, and by a reduction of fees annexed to his, and to other offices not attended with much trouble, they would probably endeavor to make such savings, as might enable them to allow the judges a genteel salary without loading the people with any considerable additional charge. Another very great improvement might be made in our Constitution, by excluding all future secretaries, commissaries general, and judges of the land office from the Upper House; till that event takes place, we may despair of seeing any useful laws pass, without some disagreeable tack to them, should they clash with their particular interests. Those officers have long been connected with the law for the regulation of our staple, a law of the most salutary and extensive consequence to the community, and which has hitherto been purchased by a particular attention to their interests, and a deference to their demands, as impolitic as unaccountable in the representatives of a free people.

4th Answer: A great part of this Answer has been already obviated. It has been noticed, that the excessive exactions so much talked of, and so much dreaded by our *merciful minister*, are mere bugbears. Freemen

are not to be terrified with visionary fears: over-solicitude to protect us from imaginary dangers, and a strong inclination discovered at the same time to pick our pockets, look a little like mockery. Fees being taxes; to impose them on the subject by proclamation, was as illegal as to levy ship-money by proclamation. The design of the two measures was nearly the same. Charles wanted to raise money without a Parliament, and our upstart minister wanted to provide for himself and his brother officers without an Act of Assembly, as the delegates would not provide for him, and them, in a manner suitable to their wishes. Was not the legality of the ship-money assessment determinable in the ordinary judicatories? Did it not receive the most solemn sanction? The sanction of eight judges out of twelve? You still retain, Mr. Antillon, all the low evasive cunning of a pettifogger.

Quo semel est imbuta recens servabit odorem

*Testa diu.*¹

5th Answer:—When fees are not ascertained by law, the verdict of a jury must ascertain them; when thus ascertained—the judges in awarding costs are obliged, by statute, to include them in the costs; the necessity therefore of fixing the rates of fees, either by proclamation, or by the allowance of the judges, is a *pretended* and *false* necessity: consequently not *urgent* and *invincible*. If such a necessity really exists when there is no legislative regulation of fees, it was foreseen in 1770, and ought to have been guarded against by passing an Act of Assembly for settling the rates. The *pretended* necessity therefore aggravates *their* crime, who from a mercenary motive prevented a regulation by law. The famine, which occasioned the embargo, was not a *sudden and peculiar necessity*; it was apprehended long before it was

¹ Hor., “Ep.,” i., 2, 70.

felt; Parliament might have been assembled, its advice taken, and a law passed to enable his majesty to lay the embargo. The ministers were blamed for not calling the Parliament in proper time, and the *necessity* of acting against law flowing from *that neglect*, was urged as their accusation, not their excuse. Although the question, “*whose fault was it that a legislative regulation did not take place?*” be not determinable in any jurisdiction or by any legal authority, yet, has a discerning public already decided it, and has fixed the blame on the proper person. Although he cannot be punished by the sentence of any ordinary judicature, yet might he be removed from office, on application made to the governor by the delegates of the people.

Encomiums on the disinterestedness of officers, and censures of some obnoxious members, in fact, of the whole Lower House, come with peculiar propriety and decorum from a man, who is an officer, and was particularly levelled at in the spirited and patriotic resolves of that House. It might have given satisfaction to *many* to have had the regulation of the clergy and officers established on the terms once proposed by the Upper House; but this satisfaction would not have resulted from a conviction, that the terms offered were just and advantageous to the public, but from a despair of obtaining better; if this despair should become general, the cause of the public must yield to the interest of a few officers. Disgraceful and afflicting reflection! Not a single instance can be selected from our history of a law favourable to liberty obtained from government, but by the unanimous, steady, and spirited conduct of the people. The great Charter, the several confirmations of it, the Petition of Right, the Bill of Rights, were all the happy effects of *force* and *necessity*.

I am not surprised that Antillon's resentment should be directed against a man who has publicly spoke some very home truths. The wit and verses borrowed from Horace cannot destroy the evidence of facts. I am restrained by the limits of this paper from descanting on the merits of tub oratory, it has its use and abuse, like most other institutions, and is not so prejudicial to characters attacked, as the whispered lye, the dark hint, and jesting story told with a sting at the end of it. I know a person, who has an admirable knack at defamation in this sly, oblique, insinuating manner; he has stabbed many a reputation with all the appearance of festivity and *good humor*; in the midst of gaiety, in the social hours of convivial mirth, malice preys inwardly on his soul; sometimes he is given to deal in the marvellous, to captivate the attention of his *admirers* (generally fit tools for him to work with) and to leave on their minds a lively impression of his own consequence. Surrounded by a group of these creatures, he will now and then recount most wonderful wonders! "*Speciosa miracula,*"¹ celebrate his own feats, prowess, and hair-breadth scapes, in short forge such monstrous improbabilities, as would shock the faith of the most credulous Jew. They listening gape applause, "*Conticuere omnes, intentique ora tenebant.*"²

Answer 6. Rules or ordinances respecting the practice of the courts may be made without any danger of prejudging questions of law. "Judges have been called upon in council to advise their sovereign an questions of law"—true—and in consequence of their advice, pernicious measures have been frequently pursued by sovereigns-witness, the proclamation for levying ship-money,

¹ Hor., "A.P.," 144. (*ut speciosa dehinc miracula promat.*)

² Virg., "Æn.," ii., 1.

the dispensing power, and others equally unconstitutional. These examples should make judges very careful how they advise their sovereign; for bad advice they are amenable to Parliament, and some of them have been punished for giving extra-judicial and unconstitutional opinions.

“*Expedit reipublicae ut fit finis litium.*” “*Misera est servitus ubi jus est vagum.*”—are sentiments truly liberal and useful; equally so are these—a *free constitution* will *not endure* discretionary powers, but *in cases* of the most urgent *necessity*. The property of Englishmen is secured by the laws, not left to depend on the will of the *sovereign*, or of officers *appointed by him*. There is an impropriety in advising measures tending to the immediate benefit of the *advisers*. Self-interest may warp the judgment of the most upright; hence, the maxim, “no man ought to be a judge in his own castle.” The advisers of a measure as *legal* and *expedient* will probably remain of the same opinion when they come to determine on its legality in their judicial capacity. Should the question be brought before the Court of Appeals, ought the officers, who are deeply interested in its decision, to sit as judges? If it would be unjust in them to *judge* of the legality of the Proclamation, there was surely some impropriety in their advising it. The Chancellor in all causes of intricacy is advised by an assistant, whose opinion would not, I presume, be asked, if interested in the suit. Should a bill be filed against the usual assistant, for instance, by a Dutchman, could he be so insensible, as not to discover some anxiety at seeing his adversary in the capacity of an adviser, directing and guiding the opinions of the judge? Would not the impropriety strike even a Dutchman? Would he not have great reason to suspect an unfavourable decree? Had there been an open rupture,

a declared enmity, which still subsisted between the assistant, and one of the parties to a chancery suit, and notwithstanding the assistant should discover an inclination to act in his usual capacity, would not his conduct raise indignation in every honest mind? Reader make the application.

Answer 7. “The Governor was not to be directed by the votes of the majority of the advisers, they having no authoritative influence:” on a former occasion we were told, there can be no difficulty in finding out his (the kings) ministers, “the Governor and Council are answerable in this character.” If the Governor is not to be directed by the advice of his Council, why should they be answerable for their advice? He by adopting the measure advised makes it *his own*, because he uses his *own* manly judgment; the advice of the Council can have no authoritative influence over him, and therefore according to Antillon’s latter opinion, contradicted by his former, the Governor must take the whole blame upon himself. Oh unsuspecting Eden! How long wilt thou suffer thy self to be imposed on by this deceiving man? “The fee for the seals was the same in all the proposed regulations,” and none of them have the least efficacy, wanting the sanction of law. To exact fees under the settlement of the new table, proposed by the Lower House, would be equally unlawful, though not so dangerous, as to exact them under the settlement by Proclamation—“the *Governor receives his fees now*—” and receives them instantly, and will not do the service without immediate payment. The practice may become general, and the good natured easy people of Maryland, will, I dare say—submit to it without reluctance or murmuring.

Answer 8. Antillon has admitted that he concurred with the rest of the Council in advising the Proclamation

as *expedient* and *legal*—he has since justified it as a *necessary unavoidable act*. It is not the first time that “*expediency* has covered itself under the appearance of *necessity*.” From whence does Antillon infer this necessity? The judgment or decree, says he, awarding the costs must *necessarily* be *precise*, unless the officers’ fees, which constitute part of the costs be settled; if not settled by a law, they must be settled by *some other authority* and therefore he concludes they must be settled by Proclamation—why not by the verdict of a jury? Endless litigation, it is answered, would ensue from that method of settlement. A much greater mischief I reply—would result from the other; charges would be set, and levied on the people without,—nay against the consent of their Representatives. Between two such evils, what choice have we left? The choice of the least. Hard indeed is the fate of the Province to be reduced to such extremity, that *some officers* may enjoy great incomes for doing little. The Secretary’s office is a mere *sinecure*—yet has he had the assurance to ask a net income of £600 sterling per annum to *support his dignity*. To hear Antillon talk in this strain is enough to rouse the indignation of apathy itself; but indignation sinks into contempt, the moment we reflect on the *farcical dignity* of the man.

Answer 9. The fees settled by Proclamation have been proved a charge upon the people; now the settling a charge upon the people without the consent of their Representatives, is a *measure striking at the root of all liberty*. Antillon has endeavored to justify the measure by precedents. The precedents he has produced do not in the least apply. The settlements of fees made by the judges appear to have been merely authentications of the *usual* and *ancient* fees. The long disuse of inquiries into the conduct of officers gave them an

opportunity of exacting *new* and *illegal* fees; the grievance was suffered to run on so long, that at last it became difficult to distinguish the *new* and *illegal* fees from the *ancient* and *legal* fees. The fees so certified by the judges, were to be deemed ancient fees; to facilitate their scrutiny—"juries of officers and clerks were impanelled to inquire, what fees had been usually taken by the several officers, for the space of 30 years last past," on a supposition, I presume, that fees, which had been paid for so long a time, were probably *ancient fees*. The judges therefore, I conceive, did not settle in that instance the rates of fees, but certified what were the rates *heretofore settled*. With us the rates of fees were not settled; the Delegates did not request the Governor to issue a commission to the judges to fix the rates; they remonstrated against the apprehended exercise of the unconstitutional power of settling them by his sole authority. I hope it has been proved, that if the judges settled, that is imposed fees, *not before settled*, they acted against law, and consequently *wrong*, and therefore, "if *what has been done* be wrong, it *confers no right to repeat it*." To establish which axiom the "Considerations" were cited. I have known you, Antillon, long enough to form a true judgment of your character, and I have exhibited a true picture of it to the public: an intimacy I have cautiously avoided, as dangerous, and disreputable. The frequent repetition of the word "Barber" in all your papers, makes me suppose some concealed wit or joke; perhaps it may be rounded on the production of your *fertile invention*; pray disclose it—I will add it to the catalogue; you understand me.

Answer 10. The fees allowed to the petitioning sheriffs by an order of Council of the 15th of July, 1735 had, it seems, been omitted in the Proclamation issued 1733,

and such fees only thus omitted as had been settled by an Act of Assembly or established by any former order of Council were allowed; fees allowed by such orders of Council, cannot, perhaps, with strictness be called increased fees unless the former rates were increased, but the reasons already assigned, demonstrate, they are *new fees*. Had these services, to which fees were annexed by a subsequent Proclamation, been totally omitted in all former orders of Council and temporary acts, would such allowance of fees have been lawful or not? If lawful, it is plain, fees would in that case have been increased, being annexed to services never before provided for. If unlawful, it should seem, that the power, which at the original creation of constitutional offices, might have annexed a fee to every service there enumerated, would be concluded, and might not annex fees to services not there enumerated, though actually performed by the officers; so that whether an officer may lawfully receive a fee does not depend on his doing a service, but on that service having been enumerated, and having had a fee annexed to it in the first settlement, or table of fees: but if under a right to receive fees co-eval with the institution of constitutional offices, the king or his deputies may settle fees, that is ascertain what fee an officer shall take for doing a service, not having a settled or known fee annexed to it, then may government increase *ad libitum* the amount of officers fees. Ingenuity will point out many services performed by old officers, that have no *settled* fees annexed to them, and the right to receive *such fees* being old and constitutional; the settlement of such fees, cannot according to Antillon's doctrine, be deemed an annexation of *new fees* to old offices.

Answer 11. "When the Government in 1692 under-
VOL. 1-23

took to regulate fees, there was an act of Assembly for that purpose,” The Delegates did not object to the Governor’s undertaking to regulate, *because they were already regulated by law*. If that had been the real cause of the objection they would have declared it, to have precluded at once all controversy; but they objected upon this general principle—“that it is the undoubted right of the freeman of this Province, that no officers fees ought to be imposed on them but by the consent of the Representatives in Assembly.” To which general proposition the *government agreed*. The Delegates produced several acts of Parliament to show, that government could not settle the fees of officers by prerogative; but if they relied on the act of Assembly then in force, why did they not cite it? Where was the necessity of citing Acts of Parliament to prove what was already most clearly decided in their favor by a positive and subsisting law of the Province? The instances mentioned by Antillon of fees settled by proclamation prove only the actual exercise of an unlawful prerogative. The dangerous use which has so often been made of bad, should caution us against the hasty admission of even good precedents, which should always be measured by the principles of the constitution, and if found the least at variance, or inconsistent therewith, ought to be speedily abolished. “For millions entertain no other idea of the *legality* of power, than that it is rounded on the exercise of power.¹ “There is nothing,” saith Swift, “hath perplexed me more than this doctrine of precedents; if a job is to be done,” (for instance a provision to be

¹ *Vide* Penn: Farmer’s 11th Letter. I recommend an attentive perusal of that Letter to my countrymen; it abounds with judicious observations, pertinent to the present subject, and expressed with the utmost elegance, perspicacity and strength.

made for officers) “and upon searching records, you find it hath been done before, there will not want a lawyer (an Antillon) to justify the legality of it, by producing his precedents, without ever considering the motives and circumstances that first introduced them, the necessity, or turbulence, or iniquity of the times, the *corruption of ministers*, or the arbitrary disposition of the prince then reigning.”

Answer 12. “It is not probable the fees of some officers will in time exceed the Governor’s income.” Such an event is most probable. The Governor’s fees as Chancellor, fall far short of the register’s fees for recording the proceedings of the court, copies of bills &c. The register pays his deputy 40 or 50£ a year, and pockets fees to the amount of 50,000 pounds of tobacco, discharged in money at 12 £ 6 per hundred pounds. Except the marriage licenses, all the other branches of the Governor’s revenue will probably decrease, or continue in their present state. The Secretary’s and Commissary’s fees must increase with the increase of business, the trouble and expence do not increase in proportion. The Secretary has no trouble; the expence of this office is a mere trifle compared to his profits.

Having, at length waded through the argumentative part of my adversary’s last paper, I am now come to the passages more immediately addressed to myself; for, Antillon still insists that I have assistants and confederates; silly as my productions are, he will not allow me the demerit of being single in my folly. Formerly I was accused of confidence, and self-conceit, now I am represented as begging from others, the little sense contained in my last piece. Antillon can reconcile contradictions, and expound knotty points of law, just as they may suit him.

“*Veniet de plebe togata
Qui juris modos, et leum aenigmata solvat.*”¹

You see, sir, I take every opportunity of complimenting your abilities, somewhat at the expence of your integrity, I confess, but not of truth. The observation, that, an unlimited confidence in a bad minister will be assuredly abused—“*besides the merit of being true,*” has this further merit; the *application of it to Antillon was just*. He denies in the most direct terms the pernicious influence ascribed to him. The most notorious criminals seldomest plead guilty; the assertion of *one*, who has long forfeited all title to veracity, cannot be credited. I repeat the questions put to you in my last paper. Was the Proclamation thought of by the whole Council at the same instant? Who first advised that measure? Did you not privately instigate some member of the board to open the scene of action while you lay lurking behind the curtain, ready to promote mischief, though unwilling to be thought the *first mover*?

Matters of a public concern are the objects of public disquisition. When the real advisers of a measure, from the secrecy of the transaction, are unknown, we must look to the *ostensible minister*; if the *known* character of the man should perfectly correspond with the *imputed* conduct, an assurance of the truth of the accusation instantly arises in the mind, far superior to the evidence grounded solely on his denial of the fact, and his most positive asseverations of innocence, or *confederated guilt*. “Many members of the Council have already avowed the part they took in the measure.” And pray what part did they take? That is the very thing we all want to know. If they acted only a secondary part, if mislead

¹ Juvenal, viii., 50.

by your artful misrepresentations and sophistical reasons, they coincided with your opinion; not the least degree of blame can be imputed to them. “They have expressed their resentment at the indignity of the imputation”—What imputation? that they were imposed on by your artifices; are they the first, will they be the last, whom you have deceived? If any gentleman of the Council has taken offence at what I have said, it must be owing, either to misapprehension, or to *your crafty suggestions*. I meant not to offend; it would grieve me

“To make one *honest man* my foe.”

You still carp at the maxim, “*The king can do no wrong*,” or rather at the application of it to the Governor; the public, and you more than any one, can see the propriety of the application; the, Governor, perhaps, when too late, may be sensible of it also, and wish that he had not placed a confidence which he will hereafter discover has been abused, and may possibly give him many hours uneasiness. “*The citizen is a wretch*” (says Antillon), “haunted by envy and malice.” Antillon has been already called upon for his proofs; the truth of the accusation rests entirely on his *ipse dixit*, which is at least presumptive evidence, that the accusation is false. Why, Antillon, am I suspected of bearing you malice? Have you injured me? Your suspicion implies a consciousness of guilt. What should excite my envy? The splendor of your family, your riches, or your talents? I envy you none of these; even your talents upon which you value yourself most, and for which only you are valued by others, are so tarnished by your meannesses, that they always suggest to my mind the idea of a jewel buried in a dunghill.

As we agree in the essential point, that the Revolution

was both just and necessary, it is needless to say more on the collateral question, whether the abdication followed or preceded that measure; the dispute at best is almost as insignificant as that about the words *abdicated* and *deserted*, which disgraced the House of Lords. That the national religion was in danger under James the 2nd from his bigotry and despotic temper, the dispensing power assumed by him and every other part of his conduct clearly evince. The nation had a *right to resist*, and so secure its civil and religious liberties. I am as averse to having a religion crammed down people's throats as a proclamation. These are my political principles, in which I glory; principles not hastily taken up to serve a turn, but what I have always avowed since I became capable of reflection. I have not the least dislike to the Church of England, though I am not within her pale, nor indeed to any other church; knaves, and bigots of all sects and denominations, I hate, and I despise.

“For modes of faith let zealous bigots fight,
His can't be wrong, whose life is in the right.”

“Papists are distrusted by the laws, and laid under disabilities.” They cannot, I know, (ignorant as I am) enjoy any place of profit, or trust, while they continue papists; but do these disabilities extend so far as to preclude them from thinking and writing on matters merely of a political nature? Antillon would make a most excellent inquisitor; he has some striking specimens of an arbitrary temper, the first requisite.

He will not allow me freedom of thought or speech. The resolves of a former Assembly against certain religionists have been compared to the resolves against the Proclamation. I again repeat, the unprejudiced will

discern a wide difference between those resolves and the spirit which occasioned these; it would be no difficult task to show the disparity, but I choose not to meddle with a subject, the discussion of which may rekindle extinguished animosities. The contemptible comment on the expression—“*We remember and we forgive,*” scarcely deserves animadversion. “This,” says Antillon, “is rather too much in the imperial style.” The Citizen did not deliver his sentiment only but likewise the sentiment of others. We Catholics, who think we were hardly treated on occasion, *we* still remember the treatment though our resentment hath entirely subsided. It is not in the least surprizing that a man incapable of forming an exalted sentiment, should not readily comprehend the force and beauty of one. My exposition of the document of Minucius, as applied by you, is warranted by the whole tenor and purport of your publications. To what purpose was the threat thrown out of enforcing the penal statutes by proclamation? Why am I told that my conduct is very inconsistent with the situation of one, who “owes even the *toleration* he enjoys to the favor of government?” If by instilling prejudices into the Governor, and by every mean and wicked artifice you can rouse the popular resentment against certain religionists, and thus bring on a persecution of them, it will then be known whether the toleration I enjoy, be due to the favor of government or not. That you have talents admirably well adapted to the works of darkness, malice to attempt the blackest and meanness to stoop to the basest, is too true. The following lines convey an imperfect idea of your character:

“Him there they found,
Squat like a toad, close at the ear of Eve;

Assaying by his devilish art, to reach
The organs of her fancy, and with them
Forge illusions, as he lists.”

MILTON.

Impudence carried to a certain degree, excites indignation—pushed beyond it becomes ridiculous. The Citizen’s scandalous misrepresentation of Petyt is again insisted on. “*The Citizen referred to the Jus Parliamentarium, he knew the bank was in the hands of few.*” If in your hands, it was sufficient; he knew you exceedingly well inclined to expose his misrepresentations, even upon the catch, and ready to lay hold of mere mistakes and inaccuracies, and when acknowledged, still to harp upon them. The crude notions of British polity, which Antillon in a former paper imputed to the Citizen, were quoted as the notions of Montesquieu, enlarged upon, and explained by the writer of a pamphlet on the privileges of the Lower House of Assembly in Jamaica: he was apprized thereof in my last paper, and he calls this exculpation a *tiny evasion*. The notions, whether crude or not, were not the Citizen’s: but I presume to assert, that so far from being *crude*, they are judicious, and discover a perfect knowledge of our constitution. “Hume’s history is a studied apology for the Stuarts’, particularly of Charles the first.” Has the historian suppressed any material facts? If not but has given an artificial coloring to some, softened others, and suggested plausible motives for the conduct of Charles, all this serves to confirm the observation, that an account may in *the main* be true, and not *entirely impartial*; the principal facts may be related, yet the suppression of some attendant circumstance will greatly alter their character and complexion.

I asserted that the constitution was not so well improved, and so well settled in Charles’ time as at present. In

answer to this, Antillon remarks, that the constitution was clearly settled in the very point infringed, by the levy of ship money. To this I reply, that the Petition of Right was only a confirmation of former statutes against the same unconstitutional power, which had been assumed by most preceeding kings in direct violation of those statutes. To the imputation “*That you have always fathered your mischievous tricks on others,*” you reply—“roundly asserted, but what proof have you?” Sufficient to support the charge—the mask of hypocrisy, which you have worn so long, is now falling off; the peoples eyes are at length opened; they know the real author of their grievances; and *his efforts* to regain lost popularity will be ineffectual; once distrusted he will ever remain so. A particular detail of all your *mean and dirty tricks* would swell this paper (already too long) to the size of a volume. I may on some future occasion entertain the public with Antillon’s cheats.

“*Flebit, et insignis tota cantabitur urbe.*”¹

They would discredit even a Scapia, and therefore must not be blended with a question of this serious and general importance. You have said, “*You do not believe me to be a man of honor or veracity.*” It gives me singular satisfaction that you do not, for a man destitute of one, must be void of the *other*, and cannot be a judge of *either*. Your mode of expression, which in general is clear and precise, in this instance discovers a confusion of ideas to which you are not often liable; but you have stumbled on a subject of which you have not the least conception.

“*Verbaque provisam rem non invita sequentur.*”

¹ Hor., S., ii., 1, 46.

If once the mind with clear conceptions glow,
The willing words in just expressions flow.”

“*Honor*, or *veracity*.” Are they then distinct things?

Do you imagine that they can exist separately? No, they are most intimately connected; who wants *veracity* wants *principle*, *honor*, of course, and resembles Antillon.

FIRST CITIZEN.

APPENDIX B.

JOURNAL OF CHARLES CARROLL OF CARROLLTON,
DURING HIS VISIT TO CANADA, IN 1776, AS ONE
OF THE COMMISSIONERS FROM CONGRESS.

APRIL 2d, 1776. Left New York at 5 o'clock P.M.; sailed up North River, or Hudson's, that afternoon, about thirteen miles. About one o'clock in the night were awaked by the firing of cannon: heard three great guns distinctly from the *Asia*; soon saw a great fire, which we presumed to be a house on Bedloe's island, set on fire by a detachment of our troops. Intelligence had been received that the enemy were throwing up intrenchments on that island, and it had been determined by our generals to drive them off. Dr. Franklin went upon deck, and saw waving flashes of light appearing suddenly and disappearing, which he conjectured to be the fire of musquetry, although he could not hear the report.

3rd. A bad, rainy day; wind north-east; quite ahead. A.M., eleven o'clock, opposite to Colonel Phillips's (a tory); pretty situation near the river; garden sloping down to it, house has a pretty appearance; a church at a little distance on the south side, surrounded by cedar trees. The banks of the river, on the western side exceedingly steep and rocky; pine trees growing amidst

the rocks. On the eastern, or New York side, the banks are not near so steep, they decline pretty gradually to the water's edge. The river is straight hitherto. About five o'clock wind breezed up from the south; got under way, and ran with a pretty easy gale as far as the highlands, forty miles from New York. The river here is greatly contracted, and the lands on each side very lofty. When we got into this strait the wind increased, and blew in violent flaws; in doubling one of these steep craggy points we were in danger of running on the rocks; endeavored to double the cape called St. Anthony's nose, but all our efforts proved ineffectual; obliged to return some way back in the straits to seek shelter; in doing this our mainsail was split to pieces by a sudden and most violent blast of wind off the mountains. Came to anchor; blew a perfect storm all night and all day the fourth. Remained all day (the fourth) in Thunder Hill bay, about half a mile below Cape St. Anthony's nose, and a quarter of a mile from Thunder Hill. Our crew were employed all this day in repairing the mainsail. The country round about this bay has a wild and romantic appearance; the hills are almost perpendicularly steep, and covered with rocks and trees of a small size. The hill called St. Anthony's nose is said to be full of sulphur. I make no doubt this place has experienced some violent convulsion from subterraneous fire: the steepness of the hills, their correspondence, the narrowness of the river, and its depth, all confirm me in this opinion.

5th. Wind at north-east, mainsail not yet repaired. Sailed about twelve o'clock from Thunder Hill bay; just before we doubled Cape St. Anthony's nose, Mr. Chase and I landed to examine a beautiful fall of water. Mr. Chase, very apprehensive of the leg of mutton being

boiled too much, impatient to get on board; wind breezing up, we had near a mile to row to overtake the vessel. As soon as we doubled Cape St. Anthony's nose a beautiful prospect opened on us. The river, from this place to Constitution fort, built on Marbler's rock, forms a fine canal, surrounded with high hills of various shapes; one, in particular, resembles a sugar loaf, and is so called. About three miles from Cape St. Anthony's nose is another beautiful cascade called "the Buttermilk." This is formed by a rivulet which flows from a lake on the top of a neighboring mountain; this lake, we were told, abounds with trout and perch. Arrived about five o'clock at Constitution fort; Mr. Chase went with me on shore to visit the fort; it is built on a rock called Marbler's rock; the river at this place makes a sudden bend to the west; the battery (for it does not deserve the name of a fort, being quite open on the north-east side) has two flanks, one fronting the south, and the other the west;—on the south flank were planted thirteen six and one nine pounder; on the west flank, seven nine pounders and one six pounder, but there were no cannoners in the fort, and only one hundred and two men fit to do duty;—they intend to erect another battery on an eminence called Gravel hill, which will command vessels, coming up the river as soon as they double Cape St. Anthony's nose. A little above this cape a battery is projected to annoy the enemy's vessels, to be called Fort Montgomery; they intend another battery lower down the river, and a little below Cape St. Anthony's nose. In the highlands are many convenient spots to construct batteries on; but in order to make them answer the intended purpose, weighty metal should be placed on these batteries, and skilful gunners should be engaged to serve the artillery. About nine o'clock at night, the tide mak-

ing, we weighed anchor, and came to again about two o'clock in the morning, the sixth instant. The river is remarkably deep all the way through the highlands, and the tide rapid. When we came to an anchor off Constitution fort we found the depth of water above thirty fathoms. These highlands present a number of romantic views, the steep hills overshadow the water, and in some places the rocks, should they be rolled down, would fall into the river several feet from the banks on which they stood. This river seems intended by nature to open a communication between Canada and the province of New York by water, and, by some great convulsion a passage has been opened to the waters of Hudson's River through the highlands. These are certainly a spur of the Endless mountains.

6th. Weighed anchor about seven o'clock in the morning: had a fine breeze; the country more cultivated above the highlands; passed several mills, all of them overshot; saw two frigates on the stocks at Pokeepsay, building for the service of the United Colonies; saw a great many lime-kilns in our run this morning, on both sides of the river, the banks of which begin to slope more gradually to the water's edge. We wrote to General Heath, from off Constitution fort, and sent the letter to the commanding officer of the fort, with orders to forward it by express immediately to the general at New York. The purport of the letter was to inform the general of the very defenceless condition of the fort, that measures might be immediately taken to put it in a better posture of defence. If Howe was a man of enterprise, and knew of the weak state of the fort, he might take it in it's present situation with sixty men, and without cannon. He might land his party a little below the fort on the east side, march over a marsh, and attack it on the back part. It was proposed

to erect a battery of some cannon to sweep this marsh; but this, and also the battery above mentioned, on Gravel hill, have been strangely neglected, and nothing as yet has been done towards constructing either of these batteries, more than levelling the top of Gravel hill.

Six o'clock, P.M., came to anchor four miles from Albany; had a most glorious run this day, and a most pleasant sail; including our run in the night, we ran this day ninety-six miles—Constitution fort being one hundred miles from Albany, and sixty from New York. We passed several country houses pleasantly situated on the banks, or rather, eminences commanding the banks of the river; the grounds we could discover from the vessel did not appear to be highly improved. We had a distant view of the Katskill mountains. These are said to be some of the highest in North America; they had a pleasing appearance; the weather being somewhat hazy, they appeared like bluish clouds at a great distance; when we were nearest to them, they were distant about ten miles. Vast tracts of land on each side of Hudson's river are held by the proprietaries, or, as they are here styled, the *Patrones* of manors. One of the Ransalaers has a grant of twenty miles on each side of the river. Mr. Robert R. Livingston informed me that he held three hundred thousand acres. I am told there are but ten original patentees between Albany and the highlands. The descendants of the first proprietaries of these immense tracts still keep them in possession; necessity has not as yet forced any of them to sell any part.

7th. Weighed anchor this morning about six o'clock. Wind fair: having passed over the overslaw, had a distinct view of Albany, distant about two miles:—landed at Albany at half past seven o'clock; received at landing, by GENERAL SCHUYLER, who, understanding we were

coming up, came from his house, about a mile out of town, to receive us and invite us to dine with him; he behaved with great civility; lives in pretty style; has two daughters (Betsy and Peggy), lively, agreeable, black-eyed girls. Albany is situated partly on a level, and partly on the slope of a hill, or rising ground, on the west side of the river. Vessels drawing eight and nine feet of water may come to Albany, and five miles even beyond it, at this season of the year, when the waters are out. The fort is in a ruinous condition, and not a single gun mounted on it. There are more houses in this town than in Annapolis, and I believe it to be much more populous. The citizens chiefly speak Dutch, being mostly the descendants of Dutchmen; but the English language and manners are getting ground apace.

9th. Left Albany early this morning, and travelled in a wagon in company with Mrs. Schuyler, her two daughters, and Generals Schuyler and Thomas. At six miles from Albany I quitted the wagon and got on horseback to accompany the generals to view the falls on the Mohawk's river, called the Cohoes. The perpendicular fall is seventy-four feet, and the breadth of the river at this place, as measured by General Schuyler, is one thousand feet. The fall is considerably above one hundred feet, taken from the first ripple or still water above the perpendicular fall. The river was swollen with the melting of the snows and rains, and rolled over the frightful precipice an impetuous torrent. The foam, the irregularities in the fall broken by projecting rocks, and the deafening noise, presented a sublime but terrifying spectacle. At fifty yards from the place the water dropped from the trees, as it does after a plentiful shower, they being as wet with the ascending vapor as they commonly are after a smart rain of some continuance. The bottoms

adjoining the river Hudson are fine lands, and appeared to be well cultivated; most of them that we passed through were in wheat, which, though commonly overflowed in the spring, we were informed by our driver, suffered no hurt, but were rather improved by the inundation. We arrived in the evening, a little before sunset, at Saratoga, the seat of General Schuyler, distant from Albany thirty-two miles. We spent the whole day in the journey, occasioned by the badness of the roads, and the delay the wagons met with in crossing two ferries. The roads at this season of the year are generally bad, but now worse than ever, owing to the great number of wagons employed in carrying the baggage of the regiments marching into Canada, and supplies to the army in that country. General Schuyler informed me that an uninterrupted watercarriage between New York and Quebec might be perfected at fifty thousand pounds sterling expense, by means of locks, and a small canal cut from a branch that runs into Wood creek, and the head of a branch which falls into Hudson's river; the distance is not more than three miles. The river Richelieu or Sorel, is navigable for batteaux from the lake Champlain into the St. Lawrence. The rapids, below St. John's, are not so considerable as to obstruct the navigation of such vessels.

The lands about Saratoga are very good, particularly the bottom lands. Hudson's river runs within a quarter of a mile of the house, and you have a pleasing view of it for two or three miles above and below. A stream called Fishkill, which rises out of Lake Saratoga, about six miles from the general's house, runs close by it, and turns several mills; one, a grist mill, two saw mills, (one of them carrying fourteen saws,) and a hemp and flax mill. This mill is a new construction, and answers equally well in breaking hemp or flax. I requested the gen-

eral to get a model made for me by the person who built it. Descriptions of machines are seldom accurately made, and when done with exactness are seldom understood. I was informed by the general that it is customary for the great proprietaries of lands to lease them out for three lives, sometimes on fee-farm-rents, reserving by way of rent, a fourth, or, more commonly, a tenth of all the produce; but the proprietaries content themselves with a tenth of the wheat. On every transmutation of property from one tenant to another, a quarter part of what the land sells for is sometimes paid to the original proprietary, or lord of the manor. The general observed to me that this was much the most advantageous way of leasing lands;—that in the course of a few years, from the frequent transmigrations of tenants, the alienation fines would exceed the purchase of the fee-simple, though sold at a high valuation. General Schuyler is a man of a good understanding improved by reflection and study; he is of a very active turn, and fond of husbandry, and when the present distractions are composed, if his infirm state of health will permit him, will make Saratoga a most beautiful and most valuable estate. He saws up great quantities of plank at his mills, which before this war, was disposed of in the neighborhood, but the greater part of it sent to Albany.

11th. Generals Thomas and Schuyler set off this morning for Lake George; the former to be in readiness to cross the lake on the first breaking up of the ice, the latter to forward the embarkation and transportation of military stores and supplies.

12th. It snowed all this morning until eleven o'clock; the snow above six inches deep on the ground: it was not off the neighboring hills when we left Saratoga.

16th. This morning we set off from Saratoga; I parted

with regret from the amiable family of General Schuyler; the ease and affability with which we were treated, and the lively behavior of the young ladies, made Saratoga a most pleasant *séjour*, the remembrance of which will long remain with me. We rode from Saratoga to McNeill's ferry, [distance two miles and a half,] crossed Hudson's river at this place, and rode on to one mile above Fort Miller, which is distant from McNeill's two miles. A Mr. Dover has a country-seat near Fort Miller; you see his house from the road. There is a very considerable fall in the river at Fort Miller. Just above it our baggage was put into another boat; it had been brought in a wagon from Saratoga to McNeill's, carried over the ferry in a wagon, and then put on board a boat, in which it was conveyed to the foot of Fort Miller falls; then carried over land a quarter of a mile and put into a second boat. At a mile from Fort Miller we got into a boat and went up the Hudson river to Fort Edward. Although this fort is but seven miles distant from the place where we took boat, we were above four hours rowing up. The current is exceedingly rapid, and the rapidity was increased by a freshet. In many places the current was so strong that the batteau men were obliged to set up with poles, and drag the boat by the painter. Although these fellows were active and expert at this business, it was with the greatest difficulty they could stem the current in particular places. The congress keeps in pay three companies of batteau men on Hudson's river, consisting each of thirty-three men with a captain;—the pay of the men is £4.10 per month. The lands bordering on Hudson's river, as you approach Fort Edward, become more sandy, and the principal wood that grows on them is pine. There are several saw mills both above and below Fort Miller.

The planks sawed at the mills above Fort Miller are made up into small rafts and left without guides to the current of the river; each one is marked, so that the raftmen that remain just below Fort Miller falls, watching for them coming down, may easily know their own rafts. When they come over the falls they go out in canoes and boats and tow their rafts ashore, and then take them to pieces and make them again into larger rafts. The smaller rafts are called *cribs*. The ruins only of Fort Edward remain; there is a good large inn, where we found quartered Colonel Sinclair's regiment. Mr. Allen, son of old Mr. Allen, is lieutenant-colonel; he received us very politely, and accommodated us with beds. The officers of this regiment are in general fine sized men, and seemed to be on a friendly footing;—the soldiers also are stout fellows.

17th. Having breakfasted with Colonel Allen, we set off from Fort Edward on our way to Fort George. We had not got a mile from the fort when a messenger from General Schuyler met us. He was sent with a letter by the general to inform us that Lake George was not open, and to desire us to remain at an inn kept by one Wing at seven miles distance from Fort Edward and as many from Fort George. The country between Wing's tavern and Fort Edward is very sandy and somewhat hilly. The principal wood is pine. At Fort Edward the river Hudson makes a sudden turn to the westward; it soon again resumes its former north course, for, at a small distance, we found it on our left and parallel with the road which we travelled, and which, from Fort Edward to Fort George, lies nearly north and south. At three miles, or thereabouts, from Fort Edward, is a remarkable fall in the river. We could see it from the road, but not so as to form any judgment of its height. We were informed

that it was upwards of thirty feet, and is called the Kingsbury falls. We could distinctly see the spray arising like a vapor or fog from the violence of the fall. The banks of the river, above and below these falls for a mile or two, are remarkably steep and high, and appear to be formed or faced, with a kind of stone very much resembling slate. The banks of the Mohawk's river at the Cohoes are faced with the same sort of stone;—it is said to be an indication of sea-coal. Mr. Wing's tavern is in the township of Queensbury, and Charlotte county; Hudson's river is not above a quarter of a mile from his house. There is a most beautiful fall in the river at this place. From still water, to the foot of the fall, I imagine the fall cannot be less than sixty feet, but the fall is not perpendicular; it may be about a hundred and twenty or a hundred and fifty feet long, and in this length, it is broken into three distinct falls, one of which may be twenty-five feet nearly perpendicular. I saw Mr. Wing's patent,—the reserved quit-rent is two shillings and sixpence sterling per hundred acres; but he informs me it has never been yet collected.

18th. We set off from Wing's tavern about twelve o'clock this day, and reached Fort George about two o'clock; the distance is eight miles and a half;—you can not discover the lake until you come to the heights surrounding it,—the descent from which to the lake is nearly a mile long;—from these heights you have a beautiful view of the lake for fifteen miles down it. Its greatest breadth during these fifteen miles does not exceed a mile and a quarter, to judge by the eye, which however, is a very fallacious way of estimating distances. Several rocky islands appear in the lake, covered with a species of cedar called here *hemlock*. Fort George is in as ruinous a condition as Fort Edward, it is a

small bastion, faced with stone, and built on an eminence commanding the head of the lake. There are some barracks in it, in which the troops were quartered, or rather *one* barrack, which occupied almost the whole space between the walls. At a little distance from this fort, and to the westward of it, is the spot where the Baron Dieskau was defeated by Sir William Johnson. About a quarter of a mile further to the westward the small remains of Fort William Henry are to be seen across a little rivulet which forms a swamp, and is the morass mentioned by Sir William Johnson in his account of the action with Dieskau. Fort William Henry was taken last war by Montcalm and destroyed;—the garrison, consisting of four hundred men, and sixteen hundred others that were intrenched without the fort, capitulated;—a considerable part of these men were murdered by the Indians, on their march to Fort Edward, after they had delivered up their arms, according to the terms of capitulation. The bay in which Montcalm landed is seen from Fort George; he left a guard of five hundred men only to protect his boats and artillery, and marched round over the heights to come to the southward of Fort William Henry. When on these heights, he discovered the intrenched body without the fort, and seeing the great indiscretion he had been guilty of in leaving so small a force to guard his baggage and boats, he rashly marched back to secure them. Had our troops attacked Montcalm's five hundred men, they would probably have defeated them, taken his cannon and boats, and forced him to surrender with his whole army. There was nothing to impede the attack but want of enterprise and conduct in the commanding officer. The neighborhood of Fort George abounds with limestone, and so indeed does all the country sur-

rounding the lake, and all the islands in it. Their rocky coast and bottom contribute, no doubt, to the clearness of the lake water. Never did I see water more transparent, and to its transparency, no doubt, must be ascribed the excellency of the fish in this lake, which much exceed the fish in Lake Champlain. Lake George abounds with perch, trout, rock, and eels.

19th. We embarked at Fort George this evening, about one o'clock, in company with General Schuyler, and landed in Montcalm's bay about four miles from Fort George. After drinking tea on shore, and arranging matters in our boats, we again embarked, and went about three or four miles further, then landed, (the sun being set), and kindled fires on shore. The longest of the boats, made for the transportation of the troops over lakes George and Champlain, are thirty-six feet in length and eight feet wide; they draw about a foot water when loaded, and carry between thirty and forty men, and are rowed by the soldiers. They have a mast fixed in them to which a square sail, or a blanket is fastened, but these sails are of no use unless with the wind abaft or nearly so. After we left Montcalm bay we were delayed considerably in getting through the ice; but, with the help of tentpoles, we opened ourselves a passage through it into free water. The boats fitted up to carry us across had awnings over them, under which we made up our beds, and my fellow travellers slept very comfortably; but this was not my case, for I was indisposed the whole night with a violent sickness at my stomach and vomiting, occasioned by an indigestion. We left the place where we passed the night very early on the 20th.

20th. We had gone some miles before I rose; soon after I got out of bed we found ourselves entangled in the ice. We attempted, but in vain, to break through it in

one place, but were obliged to desist and force our passage through another, which we effected without much difficulty. At eight o'clock we landed to breakfast. After breakfast the general looked to his small boat; being desirous to reach the landing at the north end of Lake George, we set off together; but the general's boat and the other boat, with part of the luggage, soon got before us a considerable way. After separating, we luckily fell in with the boat bringing the Montreal and Canada mail, by which we were informed that the west shore of the lake at a place called Sabatay point, was much encumbered with ice, but that there was a free passage on the east side; accordingly, we kept along the east shore, and found it free from ice, by which means we got before the general and the other boat; for the general, who was foremost, had been delayed, above an hour in breaking through the ice, and, in one place, was obliged to haul his boat over a piece or neck of land thirty feet broad. Dr. Franklin found in the Canada mail, which he opened, a letter for General Schuyler. When we had weathered Sabatay point, we stood over for the western shore of the lake, and a mile or two below the point we were overtaken by the general, from whom we learned the cause of his delay. Mr. Chase and myself went on board the general's boat, and reached the landing place at the south end of Lake George near two hours before the other boats. Lake George lies nearly north and south, or rather, as I think, somewhat to the eastward of a due north course. Its shores are remarkably steep, high, and rocky (particularly the east shore), and are covered with pine and cedar, or what is here termed hemlock; the country is wild, and appears utterly incapable of cultivation; it is a fine deer country, and likely to remain so, for I think it never will be inhabited. I speak of the shores, and I am told the

inland country resembles these. The lake, in its greatest width, does not exceed, I think, two miles; the widest part is nearest the north end, immediately before you enter the last narrows, which are not, in their greatest width, above half a mile. There are two places where the lake is considerably contracted, one about the middle of it, the other, as I have said, at the north end; this last gradually contracts itself in breadth to the size of an inconsiderable river, and suddenly, in depth, to that of a very shallow one. The landing-place of Lake George is a few yards to the southward of the first fall or ripple in this river, through which the waters of Lake George drain into Lake Champlain. We passed through this ripple, and though our boat did not draw above seven or eight inches, her bottom raked the rocks; the water ran through this passage about as swift as it does through your tail race. From the landing-place to Ticonderoga is three miles and a half. The boats, in coming through Lake George, pass through the passage just described and unload at a quarter of a mile below the usual landing-place. Their contents are then put into wagons, and carried over to Ticonderoga. General Schuyler has erected a machine for raising the boats when emptied, and then letting them gently down on a carriage constructed for the purpose, on which they are drawn over land to Ticonderoga, on Lake Champlain, to carry the troops over the last mentioned lake, and down the Sorel into the river St. Lawrence. These carriages consist of four wheels, united by a long sapling, at the extremities of which the wheels are placed; over the axletrees is fixed a piece of wood, on which each end of the boat is supported and made fast by a rope secured round a bolt at the undermost part, and in the centre of the axletree. This bolt is made of iron, and passes through the afore-

said pieces of wood and the axeltree. These carriages are drawn by six oxen, and this morning (21st instant) I saw three or four boats carried over upon them. Lake George, from the south end of it to the landing place at the north extremity, is thirty-six miles long. Its average width does not, I think, exceed a mile, and this breadth is interspersed and broken by innumerable little rocky islands formed of limestone; the shores of which are commonly so steep that you may step from the rocks into ten or twelve feet water. The season was not sufficiently advanced to admit of catching fish, a circumstance we had reason to regret, as they are so highly praised by the connoisseurs in good eating, and as one of our company is so excellent a judge in this science. There are no considerable rivers that empty themselves into Lake George. We saw some brooks or rivulets, which, I presume, after the melting of the snows, are almost dry. The lake must be fed, principally, with springs, the melting of snows, and the torrents that must pour into it, from its high and steep shores, after rains. As there is no considerable river that flows into it, so is the vent of its waters into Lake Champlain very inconsiderable. In summer you may step, dry-footed, from rock to rock, in the place which I have called the first ripple, and which I said we passed, coming out of Lake George. The water suddenly shallows from a great depth to nine or ten feet or less. This change is immediately discoverable by the great change in the color of the water. The lake water is of a dark bluish cast, and the water of the river of a whitish color, owing not only to the difference of the depth, but the difference of the bottoms and shores, which, adjoining the river, are of white clay.

21st. I took a walk this evening to the saw-mill which is built on the principal fall of the river flowing from

Lake George into Lake Champlain. At the foot of this fall, which is about thirteen feet high, the river is navigable for batteaux into Lake Champlain. From the sawmill to the place where the batteaux are put on carriages to be carried over land, the distance is one mile and a half. I saw them unload a boat from the carriage, and launch it at the same time, into the river; this was performed by thirty-five or forty men. To day they carried over this portage fifty batteaux. I saw the forty-eighth put on the carriage. A little to the north-westward of the saw-mill, on the west side of the river, I visited the spot where Lord Howe was killed. At a small expense a continued navigation for batteaux might be made between the Lakes George and Champlain, by means of a few locks. General Schuyler informed me that locks, sufficient and adequate to the above purpose, might be constructed for fifteen hundred pounds sterling. There are but four or five falls in this river, the greatest of which is not above fourteen or fifteen feet. But the general informs me a much more advantageous water carriage may be opened through Wood creek, which falls into Lake Champlain at Skeensborough, twenty-eight miles south of Ticonderoga. The general proposes to have this creek accurately surveyed, the heights ascertained, and estimate made of the expense of erecting locks on Wood creek, and the most convenient branch which heads near it and falls into Hudson's river. If this water communication between Lake Champlain and the province of New York should be perfected, there is little danger of the enemy's gaining the mastery of Lake Champlain, or of their ever having it in their power to invade these colonies from Canada with any prospect of success, besides the security which will be obtained for the colonies in time of war by making this navigation.

Trade, during peace, will be greatly benefited by it, as there will then be a continued water communication between New York and Canada, without the inconvenience and expense attending the portages over land.

22nd. I this morning took a ride with General Schuyler across the portage, or from the landing place at the bottom of Lake George, to Ticonderoga. The landing place is properly on the river which runs out of Lake George into Lake Champlain, and may be a mile and a half from the place where the former may be said to terminate, *i.e.*, where the lake is contracted into a river, as a current and shallow water. This river, computing its length from the aforesaid spot to the foot of the falls at the saw-mills, and its windings, which are inconsiderable, is not more than four or five miles long. From the foot of the saw-mill falls there is still water into Lake Champlain. It is at the foot of these falls that the batteaux, brought over land, are launched into the water, and the artillery and the apparatus belonging to it are embarked in them; the stores, such as provisions, ball, powder, &c., are embarked from Ticonderoga. At sixty or seventy yards below the saw-mill there is a bridge built over the river:—this bridge was built by the king during the last war;—the road from the landing place to Ticonderoga passes over it, and you then have the river on the right; when you have passed the bridge you immediately ascend a pretty high hill, and keep ascending till you reach the famous lines made by the French in the last war, which Abercrombie was so infatuated as to attack with musquetry only;—his cannon was lying at the bridge, about a mile or something better from these lines. The event of the day is too well known to be mentioned; we lost [killed and wounded] near one thousand, six hundred men; had the cannon been brought up, the

French would not have waited to be attacked;—it was morally impossible to succeed against these lines with small arms only, particularly in the manner they were attacked;—our army passing before them, and receiving a fire from the whole extent;— whereas, had it marched lower down, or to the north-west of these lines, it would have flanked them:— they were constructed of large trunks of trees, felled on each other, with earth thrown up against them. On the side next the French troops, they had, besides felling trees, lopped and sharpened their branches, and turned them towards the enemy; the trunks of the trees remain to this day piled up as described, but are fast going to decay. As soon as you enter these lines you have a full view of Lake Champlain and Ticonderoga fort, distant about a quarter of a mile. The land from thence gradually declines to the spot on which the fort is built. Lake Champlain empties itself opposite the fort, and runs south twenty-eight miles to Skeensborough. Crown Point is fifteen miles down the lake from Ticonderoga. The lake is no where broad in sight of the last mentioned place, but the prospect from it is very pleasing; its shores are not as steep as those of Lake George. They rise gradually from the water, and are covered more thickly with woods, which grow in good soils, or at least in soils much better than can be seen on Lake George. There is but one settlement on the latter, at Sabatay point; I understood there were about sixty acres of good land at that point. Ticonderoga fort is in a ruinous condition; it was once a tolerable fortification. The ramparts are faced with stone. I saw a few pieces of cannon mounted on one bastion, more for show, I apprehend, than service. In the present state of affairs this fort is of no other use than as an *entrepôt* or magazine for stores, as from this

place all supplies for our army in Canada are shipped to go down Lake Champlain. I saw four vessels, viz.: three schooners and one sloop; these are to be armed, to keep the mastery of the lake in case we should lose St. John's and be driven out of Canada;—in the meantime they will be employed in carrying supplies to our troops in that country. Of these three schooners, two were taken from the enemy on the surrender of St. John's, one of them is called the *Royal Savage*, and is pierced for twelve guns; she had, when taken, twelve brass pieces—I think four and six pounders; these were sent to Boston. She is really a fine vessel, and built on purpose for fighting; however, some repairs are wanted; a new mainmast must be put in, her old one being shattered with one of our cannon balls. When these vessels are completely rigged, armed and manned, we may defy the enemy on Lake Champlain for this summer and fall at least, even should we unfortunately be driven out of Canada. When our small army last summer, or rather fall, [in number about one thousand seven hundred,] came to *Isle aux Noix*, this vessel was almost ready to put to sea, she wanted only as much to be done to her as could easily have been finished in three days, had the enemy exerted themselves. Had she ventured out our expedition to Canada must have failed, and probably our whole army must have surrendered, for she was greatly an overmatch for all the naval strength we then had on the lake. Had Preston, who commanded at St. John's ventured out with his garrison, consisting of six hundred men, and attacked our people at their first landing, he would, in all probability, have defeated them, as they were a mere undisciplined rabble, made up chiefly of the offings and outcasts of New York.

23rd. We continued this day at the landing place, our

boats not being yet ready and fitted to carry us through Lake Champlain. General Schuyler and the troops were busily engaged in carting over land, to the saw-mill, the batteaux, cannon, artillery stores, provisions, &c., there to be embarked on the navigable waters of Lake Champlain, and transported over that Lake to St. John's.

24th. We this day left the landing place at Lake George and took boat at the sawmill. From the sawmill to Ticonderoga, the distance, by water, is about a mile; the water is shallow, but sufficiently deep for batteau navigation. A little below the bridge before mentioned, the French, during the last war, drove pickets into the river, to prevent our boats getting round from the saw-mill to Ticonderoga with the artillery; some of the pickets still remain, for both our boats struck on them. Ticonderoga fort is beautifully situated, but, as I said before, it is in a ruinous condition;—neither is the place, in my opinion, judiciously chosen for the construction of & fort; a fort constructed at the saw-mill would much better secure the passage or pass into the province of New York by way of Lake George. Having waited at Ticonderoga an hour or two, to take in provisions for the crews of both boats, consisting entirely of soldiers, we embarked at eleven o'clock, and reached Crown Point a little after three, with the help of our oars only. Crown Point is distant from Ticonderoga only fifteen miles. The lake, all the way, from one part to another, is narrow, scarce exceeding a mile on an average. Crown Point is situated on a neck or isthmus of land, on the west side of the lake; it is in ruins; it was once a considerable fortress, and the English must have expended a large sum in constructing the fort and erecting the barracks, which are also in ruins. A great part of the ditch is cut out of the solid limestone rock. This

ditch was made by blowing the rocks, as the holes bored for the gunpowder are plainly to be seen in the fragments. By some accident the fort took fire, the flames communicated to the powder magazine, containing at that time ninety-six barrels. The shock was so great as to throw down the barracks—at least the upper stories. The explosion was distinctly heard ten miles off, and the earth shook at that distance as if there had been an earthquake. This intelligence I received from one Faris, who lives ten miles down the lake, and at whose house we lay this night. The woodwork of the barracks is entirely consumed by fire, but the stonework of the first stories might be easily repaired, and one of these barracks might be converted into a fine manufactory. The erecting of these barracks and the fort must have cost the government not less, I dare say, than one hundred thousand pounds sterling. The lake is narrow opposite the fort, and makes a bend, by which the vessels passing on the lake were much exposed to the artillery of the fort; and this advantageous situation first induced the French, and then the English, to erect a fort here. The French fort was inconsiderable, and close to the water; the English fort is a much more extensive fortification and farther from the lake, but so as to command it.

25th. We set off from Faris's at five o'clock in the morning. If Faris's information may be relied on, his land and the neighboring lands are exceedingly fine;—he told us he had reaped thirty bushels of wheat from the acre; the soil appears to be good; but, to judge of it from its appearance, I should not think it so fertile. Three miles north of Faris's the lake begins to contract itself, and this contraction continues for six miles, and is called the narrows. At Faris's the lake is about two miles wide. We breakfasted in a small cove

at a little distance to the southward of the Split rock. The Split rock is nine miles from Faris's house. At the Split rock the lake grows immediately wider as you go down it; its width, in this place, cannot be much short of seven miles. When we had got four or five miles from the rock, the wind headed us, and blew a fresh gale, which occasioned a considerable swell on the lake, the wind being northeast, and having a reach of twenty miles. We were constrained to put in at one McCaully's where we dined on cold provisions. The wind abating about four o'clock, we put off again and rowed seven miles down the lake to a point of land a mile or two to the southward of four islands, called the Four Brothers; these islands lie nearly in the middle of the lake which is very wide in this place, and continues so far as you can see down it. Mr. Chase and I slept this night on shore under a tent made of bushes.

26th. We set off this morning at four o'clock from the last mentioned point, which I called "Commissioners' point." Wind fair; a pretty breeze. At five o'clock reached Schuyler's island; it contains eight hundred acres and belongs to Montreson, distant seven miles from the Four Brothers. Schuyler's island lies near the western shore. The lake continues wide; at ten o'clock got to Cumberland head, fourteen miles from Schuyler's island. Cumberland head is the south point of Cumberland bay. The bay forms a deep recess on the western side of the lake; its length, from Schuyler's island, at the point of land opposite to it, to Cumberland head-land is fourteen miles, and its depth not less than nine or ten miles. The wind luckily favored us until we reached Cumberland head; it then ceased; it grew cloudy and soon began to rain, and the wind shifted to the northeast. We breakfasted at Cumberland head on tea and

good biscuit, our usual breakfast, having provided ourselves with the necessary furniture for such a breakfast. As soon as it cleared up we rowed across a bay, about four miles wide, to *Point aux Roches*, so called from the rocks of which it is formed. Indeed it is one entire stone wall, fifteen feet high, but gradually inclining to the north-east. At that extremity it is little above the water. Having made a short stay at this place to refresh our men, we rowed round the point, hugged the western shore, and got into a cove which forms a very safe harbor. But the ground being low and swampy, and no cedar or hemlock trees, of the branches of which our men formed their tents at night, we thought proper to cross over to *Isle la Motte*, bearing from us about northeast, and distant three miles. The island is nine miles long and one broad. The south-west side of it is high land, and the water is deep close in shore, which is rocky and steep. We lay under this shore all night in a critical situation, for had the wind blown hard in the night, from the west, our boats would probably have been stove against the rocks. We passed the night on board the boats, under the awning which had been fitted up for us. This awning could effectually secure us from the wind and rain, and there was space enough under it to make up four beds. The beds we were provident enough to take with us from Philadelphia. We found them not only convenient and comfortable, but necessary; for, without this precaution, persons travelling from the colonies into Canada at this season of the year, or indeed at any other, will find themselves obliged either to sit up all night, or to lie on the bare ground or planks. Several of the islands in Lake Champlain have different claimants, as patents have been granted by the French government and the government of New York.

According to the present division, most of them, indeed all, except *Isle aux Noix*, are in the colony of New York.

27th. A fine morning. We left our nation's station at four o'clock, and rowed ten miles to *Point aux Fer*, so called from some iron mines at no great distance from it; the land here, and all the adjacent country, is very flat and low. Colonel Christie has built a house at this point, which is intended for a tavern; the place is judiciously chosen. A small current begins here, and the raftsmen are not obliged to row; after they bring their rafts to *Point aux Fer*, the current will carry them in a day to St. John's, which is distant from this point thirty measured miles. Windmill point is three miles below *Point aux Fer*; and, a mile or two below the former, runs the line which divides the province of Quebec from New York. At Windmill point the lake begins to contract itself to the size of a river, but of a large and deep one. Opposite to this point the width can not be much short of two miles; six miles below Windmill point you meet with a small island called *Isle aux Têtes*: from a number of heads that were stuck upon poles by the Indians after a great battle that was fought between them on this island or near it. At this island the current is not only perceptible, but strong. We went close by the island and in shallow water, which gave us a better opportunity of observing the swiftness of the current. A mile or two below this island, we breakfasted at a tavern kept by one, Stodd. At *Isle aux Têtes*, the river *Richelieu*, or St. John's, or Sorel (for it goes by all these names), may be properly said to begin. It is in this place above a mile wide, deep, and the current considerable;—its banks are almost level with the water,—indeed, the water appears to be rather above the banks; the country is one continued swamp, overflowed by the river at this season; as you approach St. John's

the current grows stronger. *Isle aux Noix* is halfway between St. John's and *Point aux Fer*, and consequently fifteen miles from each; we passed close by it: it is very level and low, covered at the north end with hazel bushes; but the land is higher than the banks of the river. We saw the intrenchments thrown up by the French during the last war, and the remains of the pickets driven into the river, quite across to the island, to prevent the English boats from getting down to St. John's. These fortifications induced Gen'l Amherst to penetrate into Canada by Oswego lake and the St. Lawrence, rather than run the hazard of being stopped at *Isle aux Noix*. Indeed I believe he would have found it a difficult matter to force his way through this pass, which appears to me of great consequence in the present contest, should the forces of the United Colonies be obliged to evacuate Canada; for if we occupy and fortify this island, drive pickets into the river, and build row galleys, and place them behind the pickets, or between the little islets formed by the several smaller islands, almost contiguous to *Isle aux Noix*, the enemy will not be able to penetrate into the colonies from Canada by the way of Lake Champlain. It is certain that Amherst, rather than expose himself to the disgrace of being foiled at this post, chose to make a roundabout march of several hundred leagues, and encounter the rapids of the St. Lawrence, by which he lost some of his boats and several hundred men. Having passed the *Isle aux Noix*, the wind sprang up in our favor;—assisted by the wind and current, we reached St. John's at three o'clock. Before I speak of this fortress, it may not be improper to make some remarks on the navigation of Lake Champlain, the adjacent country, and its appearance. The navigation appears to be very secure, as there are many inlets, coves, and harbors, in which such vessels as will

be used on the lake may at all times find shelter; the water is deep, at least wherever we touched, close in with the land. There are several islands in the lake, the most considerable of which we saw; the principal is *Grand isle*,—it deserves the appellation, being, as we were informed, twenty-seven miles long, and three or four miles wide. *Isle la Motte* is the next largest and *Isle de Belle Cour* ranks after that. *Isle la Motte* we touched at; the others we could plainly distinguish. We saw several of the islands on the eastern shore of the lake, some of which appear as large as Poplar's island; but having no person on board our boats acquainted with the lake, we could not learn their names. The lake, on an average, may be six miles broad; in some places it is above fifteen miles wide, particularly about Cumberland bay and Schuyler's island; but in others it is not three miles, and in the narrows not above a mile and a half, to judge by the eye. As you go down the lake, the mountains which hem it in on the east and west extend themselves wider, and leave a greater extent of fine level land between them and the lake on each shore. Some of these mountains are remarkably high. In many places, on or near their tops, the snow still remains. They form several picturesque views, and contribute much, in my opinion, to the beauty of the lake. The snow not dissolving, in their latitude, at the end of April, is a proof of their height:—the distance at which some of these mountains are visible is a still stronger proof. Several of them may be distinctly seen from Montreal, which can not be at a less distance from the most remote than seventy or eighty miles, and, I am inclined to think, considerably further. If America should succeed, and establish liberty throughout this part of the continent, I have not the least doubt that the lands bordering on Lake Champlain will be very valua-

ble in a short time, and that great trade will be carried on over Lake Champlain, between Canada and New York. An easy water communication may be opened, at no great expense, (if General Schuyler be not mistaken) between the cities of New York, Montreal, and Quebec, and several other places in Canada. *Richelieu*, or *Sorel river* from *Isle aux Têtes* to St. John's, would be esteemed a large river even in Maryland. The navigation of it between those places is good, for the current is not so strong as not to be stemmed with oars, or a wind. At St. John's the current is very rapid, and continues so, sometimes more, sometimes less, to Chamblay,—distant twelve miles from St. John's. Opposite St. John's, I think the river is half a mile wide.

The fortifications of St. John's were not injured by the siege,—they consist of earth ramparts, enclosed by a ditch filled with water; palisadoes, closely joined together, are fastened at the base of the ramparts, and confined by the weight of them projecting half way over the ditch, to prevent an escalade. There are, properly speaking, two forts, built around some houses, which were converted into magazines and barracks; the communication between the two is secured by a strong enclosure of large stakes driven deep into the ground, and as close as they can stand together. A ditch runs along this fence. The houses within the forts suffered much from our batteries which surrounded the forts, but the cannon was not heavy enough to make any impression on the works. Want of ammunition and provisions, and the inclemency of the season, obliged the garrison to surrender; for the soldiers were constrained to hide themselves in the cellars, which are bomb-proof, or lie behind the mounds of earth thrown up within the forts, exposed to the severity of the cold and rains, or run the risk of

having their brains beaten out in the houses by our shot, or by a fragment of the walls and timbers, and bursting of the bombs. As you go down the river from *Point au Fer* to St. John's, you have a distant and beautiful prospect of the mountains on either side of the lake. After passing *Isle aux Noix*, you have a fine view of the mountain of Chamblay, on the top of which is a lake stored with excellent trout and perch. Having despatched a messenger to Montreal for carriages for ourselves and baggage; we crossed the river to go to a tavern on the east side of the river, about a mile from the fort. The house belongs to Colonel Hazen, and has greatly suffered by the neighborhood of the troops. There is scarcely a whole pane of glass in the house, the window shutters and doors are destroyed, and the hinges stolen; in short, it appears a perfect wreck. This tavern is kept by a French woman, married to one Donaho, now a prisoner in Pennsylvania.

28th. We remained at Colonel Hazen's house. Several batteaux with troops arrived this day and yesterday evening from Ticonderoga, and most of them fell down the river this day to Chamblay. The land appears to be very fertile, and well adapted to pasture; the grass began to grow fast, although the frost was not then out of the ground, the surface only being thawed.

29th. Left Colonel Hazen's house; crossed over to St. John's, where we found our *calèches* ready to receive us. After an hour's stay spent in getting our baggage into the carts, and securing the remainder,—which, for want of carts, we were obliged to leave behind us—we set off from St. John's for *La Prairie*, distant eighteen miles. I never travelled through worse roads, or in worse carriages. The country is one continued plain from St. John's to *La Prairie*, and two-thirds of the way

uncultivated, though deserving the highest cultivation. About five or six miles from *La Prairie* you meet with houses and ploughed lands, interspersed with meadows, which extend as far as you can see;—all this tract of land is capable of being turned into fine meadow, and when the country becomes more populous, and enjoys a good government, I doubt not it will be all drained and made into excellent meadow or pasturage. Without draining, it will be impossible to cultivate it in any way. You have no view of the St. Lawrence, or of Montreal, until you come within three or four miles of *La Prairie*. At *La Prairie* the view of the town and the river, and the island of Montreal, together with the houses on the eastern side of the St. Lawrence, form a beautiful prospect. As far as the view extends down the river, you discern houses on either side of it, which are not divided from each other by more than four acres, and commonly by not more than two. From *La Prairie* you go slanting down the river to Montreal; this passage is computed six miles, though the river, in a direct line across from the eastern shore to the town, is not more than three miles. Ships of three hundred tons can come up to Montreal, but they cannot get up above the town, or even abreast of it. The river where we crossed is filled with rocks and shoals, which occasion a very rapid current in several places. We were received by GENERAL ARNOLD, on our landing, in the most polite and friendly manner; conducted to headquarters, where a genteel company of ladies and gentlemen had assembled to welcome our arrival. As we went from the landing place to the general's house, the cannon of the citadel fired in compliment to us as the commissioners of congress. We supped at that general's, and after supper were conducted, by the general and other gentlemen, to our lodgings,—the house of Mr. Thomas

Walker,—the best built, and perhaps the best furnished in this town.

May 11th. Dr. Franklin left Montreal today to go to St. John's, and from thence to congress. The doctor's declining state of health, and the bad prospect of our affairs in Canada, made him take this resolution.

12th. We set off from Montreal to go to *La Prairie*. Mr. John Carroll went to join Dr. Franklin at St. John's, from whence they sailed the 13th.

13th. I went to St. John's to examine into the state of that garrison, and of the batteaux. There I met with General Thompson and Colonel Sinclair, with part of Thompson's brigade. That evening I went with them down the Sorel to Chamblay. Major Wood and myself remained in the boat when we got to St. Therese, where the rapids begin and continue, with some interruptions, to Chamblay. Flat bottomed boats may go down these rapids in the spring of the year, when the water is high;—even a large *gondola* passed down them this spring; but it would be very difficult, if not impossible, to bring a *gondola* up against the stream. I much question whether the batteaux could be brought up; certain it is that the labor of towing them up, or setting them up the current with setting poles, would be greater, and take much more time, than carting them over the carrying place from Chamblay to within three miles of St. Therese. All our batteaux which shoot the rapids and go down the Sorel to Chamblay and that are brought up again to St. John's, are carted over the carrying place on frames constructed for the purpose. It was proposed by some to bring a *gondola*, built at Chamblay, over land three miles into the Sorel, three miles below St. Therese; others were of opinion it could be more easily towed up over the rapids. *Chamblay fort* is a large

square stone building, with square towers at each angle, a place intended only as a protection against the savages. I saw the holes made by a six pounder, when it was taken by Major Brown. Major Stafford might have held out against the force which besieged him at least for some days, in which time he would probably have been relieved by Carleton. But, by Carleton's subsequent behavior, when he made an attempt to go to the relief of St. John's, I much question whether he would have taken more effectual measures to rescue Stafford. The taking of Chamblay occasioned the taking of St. John's; against the latter we should not have succeeded without the six tons of gunpowder taken in the former.

14th. I returned to Montreal by *La Prairie*; the country between Chamblay and *La Prairie* is extremely fine and level, abounding with most excellent meadow-ground as you approach the St. Lawrence, with rich arable land round about Chamblay. The country lying between the St. Lawrence and the Sorel is the best part of Canada, and produces the most and best wheat. In the year 1771 four hundred and seventy-one thousand bushels of wheat were exported out of Canada, of which two-thirds, it is computed, were made in the Sorel district.

21st. This day Mr. Chase set off with me for the mouth of the Sorel; we embarked from Montreal in one of our batteaux, and went in it as far as the point of land on the north shore of the St. Lawrence, opposite to the northern extremity of the Island of Montreal; here, the wind being against us, we took post and travelled on the north side of the St. Lawrence as low down as *La Nore*, where we got into a canoe, and were paddled down and across the St. Lawrence to our camp at the mouth of the Sorel;—it was a perfect calm, the distance is computed at nine miles. The country on each side the St. Lawrence is level,

rich, and thickly seated; indeed, so thickly seated, that the houses form almost one continued row. In going from *La Nore* to the mouth of the Sorel, we passed by Brown's battery (as is [sic] is called), although it never had a cannon mounted on it. To this battery without cannon, and to a single gondola, ten or twelve vessels, under the command of Colonel Prescott, surrendered. Major Brown, when the vessels came near to his battery, sent an officer on board requesting Prescott to send another on Shore to view his works. It is difficult to determine which was greatest, the impudence of Brown in demanding a surrender, or the cowardice of the officer who, going back to Prescott, represented the difficulty of passing the battery so great and hazardous, that Prescott and all his officers chose to capitulate. Brown requested the officer who went on shore to wait a little until he saw the thirty-two pounders, which were within a half a mile, coming from Chamblay;—says he, "If you should chance to escape this battery, which is my small battery, I have a grand battery at the mouth of the Sorel, which will infallibly sink all your vessels." His grand battery was as badly provided with cannon as his little battery, for not a single gun was mounted on either. This Prescott treated our prisoners with great insolence and brutality. His behavior justifies the old observation, that cowards are generally cruel. We found the discipline of our camp very remiss, and everything in confusion;—General Thomas had but lately resigned the command to Thompson, by whose activity things were soon put on a better footing.

22d. We left our camp and travelled by land along the eastern bank of the Sorel. At five or six miles from the mouth of the Sorel the country grows rich, and continues so all the way to Chamblay. Near the mouth of

the river it is very sandy. This part of the country is very populous, the villages are large and neat, and joined together by a continued range of single houses, chiefly farmers' houses. These are the rich men in Canada: the *seigneurs* are in general poor. They were constrained by the ordinances of the King of France to lease their lands forever, reserving two dollars for every ninety acres, and some other trifling perquisites, as tolls for grinding wheat; the tenants being obliged to have their wheat ground at their *seigneurs'* mills. It is conjectured that the farmers in Canada can not be possessed of less than a million sterling, in specie; they hoard up their money to portion their children; they neither let it out at interest, nor expend it in the purchase of lands. Before we left the camp we ordered a detachment up to Montreal, under the command of Colonel De Haas, consisting of near four hundred men, to reinforce General Arnold, and, in conjunction, to drive off a party of the eighth regiment, who, with three hundred and fifty savages, and some Canadians, had taken our post at the Cedars, through the cowardice of Major Butterfield, and had advanced, on the 25th instant, within fifteen miles of Montreal.

23rd. We got early this morning to Chamblay, where we found all things in much confusion, extreme disorder and negligence, our credit sunk, and no money to retrieve it with. We were obliged to pay three silver dollars for the carriage of three barrels of gunpowder from Little Chamblay river to Longueil, the officer who commanded the guard not having a single shilling.

24th. Colonel De Haas's detachment got into Montreal this evening; the day before, we also arrived there, having crossed the St. Lawrence in a canoe from Longueil.

25th. In the evening of this day Colonel De Haas's detachment marched out of Montreal to join General Arnold at La Chine; they were detained from want of many necessaries, which we were obliged to procure for them, General Wooster being without money, or pretending to be so. The enemy, hearing from our enemies in Montreal, of this reinforcement, had retreated precipitately to Fort St. Anne's, at the southern extremity of the Island of Montreal, and from thence had crossed over to *Quinze Chiens*, on the north side of the St. Lawrence.

29th. We left Montreal this day at three o'clock, to go to Chamblay, to be present at a council of war of the generals and field-officers for concerting the operations of the campaign.

30th. The council of war was held this day, and determined to maintain possession of the country between the St. Lawrence and Sorel, if possible;—in the meantime to dispose matters so as to make an orderly retreat out of Canada.

31st. Set off from Chamblay for St. John's;—all things there in confusion:—slept at Mrs. Donaho's.

June 1st. Crossed over this morning to St. John's, where General Sullivan with fourteen hundred men, had arrived in the night of the 31st past; saw them all under arms. It began to rain at nine o'clock, and continued raining very hard until late in the evening;—slept at Donaho's.

2nd. Crossed over again to the camp; took leave of General Sullivan, and sailed from St. John's at six this 'morning, with a fair wind;—got to *Point au Fer* at one o'clock;—got to Cumberland head about seven o'clock, P.M.; set off from thence about nine, and rowed all night. We divided our boat's crew into two watches.

3rd. Breakfasted at Willsborough; rowed on and

received despatches by Major Hickee; got to Crown Point half-past six o'clock, P.M. Set off at eight, rowed all night, and arrived at one o'clock in the night at Ticonderoga, where we found General Schuyler.

4th. Set off this morning at five with General Schuyler, for Skeenesborough, and got there by two o'clock. The lake as you approach Skeenesborough, grows narrower and shallower; indeed, within five or six miles of Skeenesborough, it has all the appearance of a river. We hauled our batteau over the carrying place at Skeenesborough into Wood creek. This carrying place is not above three hundred feet across; a lock may be made for two hundred pounds at Skeenesborough, by which means a continued navigation would be effected for batteaux from one Chesshire's into Lake Champlain. Major Skeene has built a saw-mill, gristmill, and a forge at the entrance of Wood creek into Lake Champlain. Set off from Skeenesborough at four o'clock, rowed up Wood creek ten miles, to one Boyle's, here we lay all night on board our boat.

5th. Set off at three in the morning and continued rowing up the creek to one Chesshire's. This man lives near Fort Ann, built by Governor Nicholson in 1709 The distance from Skeenesborough to Chesshire's is twenty-two miles,—by land, fourteen only; from this it appears that Wood creek has many windings, in fact, I never saw a more serpentine river. The navigation is somewhat obstructed by trees drifted and piled across the creek; however, we met with little difficulty but in one place, where we were obliged to quit our boat, and carry it through a narrow gut, which was soon performed by our crew. Two hundred men would clear this creek and remove every obstruction in six days' time. This measure has been recommended by the commissioners

to congress, and congress has complied with the recommendation, and orders will soon be given to General Schulyer to clear it, and render the navigation easy.

I set off with General Schuyler, on foot, from Chesshire's, at one o'clock; walked seven miles, and then met horses coming from Jones's to us. Jones's house is distant nine miles from Chesshire's. We dined at Jones's, and rode, after dinner, to Fort Edward;—the distance is computed four miles;—Mr. Chase joined us this evening. He took the lower road and was obliged to walk part of the way.

6th. Parted with General Schuyler this morning; he returned to Fort George on Lake George. We rode to Saratoga, where we got by seven o'clock, but did not find the amiable family at home. We were constrained to remain here all this day, waiting the arrival of our servants and baggage.

7th. Our servants and baggage being come up, we left Saratoga this morning at nine; took boat and went down Hudson's river through all the rapids, to Albany. The distance is computed thirty-six miles. We arrived at Albany half an hour past five. At six o'clock we set off for New York in a sloop: which we luckily found ready to sail; got that evening and night twenty-four miles from Albany.

8th. Found ourselves, this morning, twenty-four miles from Albany;—at seven in the morning wind breezed up, had a fine gale, and got below the highlands;—a very great run.

9th. Arrived at New York at one o'clock, P.M.; waited on General Washington at Motier's;—saw General Gates and Putnam, and my old acquaintance and friend, Mr. Moylan. About six o'clock in the evening got into General Washington's barge, in company with

Lord Stirling, and was rowed round by Staten Island and the Kilns, within two miles of Elizabeth-town, where we got by ten at night.

10th. Set off from Elizabeth-town half-past five. Got to Bristol at eight o'clock, P.M.:— at nine, embarked in our boats, and were rowed down the Delaware to Philadelphia, where we arrived at two o'clock in the night.

END OF VOLUME I.

THE LIFE OF
CHARLES CARROLL
OF CARROLLTON

1737–1832

WITH HIS CORRESPONDENCE AND
PUBLIC PAPERS

BY
KATE MASON ROWLAND
Author of "The Life of George Mason"

VOLUME II.

Grateful to Almighty God for the blessing which, through Jesus Christ our Lord, he has conferred upon my beloved country, in her emancipation, and upon myself, in permitting me, under circumstances of mercy, to live to the age of 89 years and survive the fiftieth year of American Independence, and certifying by my present signature my approbation of the Declaration of Independence adopted by Congress on the fourth day of July, in the year of our Lord, one thousand seven hundred and seventy-six, which I originally subscribed in the second day of August on the same year, and of which I am the last surviving signer, I do hereby recommend the present and future generations the principles of that important document as the best earthly inheritance their ancestors could bequeath to them, and pray that the civil and religious liberties they have secured to my country may be perpetuated to the remotest posterity and extended to the whole family of man.

"CHARLES CARROL, of Carrollton.

"BALTIMORE, August 2, 1826."

Copy of Declaration of Independence,

New York City Library.

G. P. PUTNAM'S SONS
NEW YORK & LONDON
The Knickerbocker Press
1898

LIFE AND CORRESPONDENCE OF
CHARLES CARROLL
OF CARROLLTON

CHAPTER I.

THE ARTICLES OF CONFEDERATION.

1778–1780.

TAKING up Charles Carroll's record in Congress from the 15th of April, 1778, to its adjournment the latter part of June, he is seen to have been appointed, on the 18th of April, one of a committee of three, to consider a memorial from Joseph Carson, who had furnished a supply of leather breeches for the army. Two days later, a letter with enclosures, received from General Smallwood, was put into the hands of a committee consisting of William Duer, Samuel Chase, and Charles Carroll of Carrollton. They brought in a report on the 23d, whereupon it was resolved by Congress, "that the Governor and

VOL. II—I

Council of the State of Maryland be requested immediately to embody three hundred militia of the Eastern Shore, under active, spirited officers, and order them to march with two field pieces, and a proper number of artillerists into Delaware, there to execute such orders as they may receive from a committee of Congress appointed for that purpose.” And a copy of Governor Smallwood’s letter was to be transmitted to the Governor and Council of Maryland.¹ Charles Carroll’s letter to Governor Johnson, of April 21st, is in reference to this matter, an insurrection of Tories on the “neck of land betwixt Delaware and Chesapeake Bay.”

It was at this time, April 23d, that the hold Washington had gained upon the affections and confidence of the people was displayed in the strongest manner, by resolutions of Congress renewing the extraordinary powers conferred on him in the fall of 1777. They had expired on the 10th of April, and were now not only renewed, but greatly extended. The Commander-in-chief was to have authority to suspend officers who misbehaved; fill up vacancies under the rank of brigadier; impress all articles and provisions necessary for his command, paying or giving certificates; remove and secure all goods and effects, for the benefit of the owners, which may be serviceable to the enemy, within seventy miles of the headquarters of the American army; order court-martials to try certain offenders, with the punishment of death or any other that seemed meet; to subsist his army from the country

¹Journal of Congress

in the vicinity; to order stock to be taken from all persons without distinction; to order the grain to be threshed within a limited time, etc.

The committee to whom these resolutions of Congress consisted of Charles Carroll of Carrollton, William Duer, and John Banister. On May 6th, letter from the Board of War was read, and referred to a committee of three, consisting of Samuel Huntington, Carroll, and Roger Sherman. Two days later, Charles Carroll, was on a committee with Gouverneur Morris and Francis Dana to consider other letters and papers sent to Congress. A letter from General Washington, enclosing one from General Howe, respecting an exchange of prisoners, was referred to a committee of three, William Duer, Richard Henry Lee, and Charles Carroll of Carrollton, on the 13th; and on the same day Carroll and two other gentlemen were named a committee to the memorial of Monsieur de la Neuville, inspector of the army under General Gates. M'Kean, Carroll, and James Smith of Pennsylvania, were chosen a committee, on the 14th, to report on a letter from the Board of War, enclosing communications from the Pennsylvania loyalists John Penn and Benjamin Chew. And it seems rather odd to find Charles Carrollton one of a committee of three to whom was referred the "Representation of the Bishops and Elders of the United Brethren settled in Pennsylvania."¹ On the 15th, a letter from General Mifflin was read and referred to Gouverneur Morris, Charles Carroll, and Francis Dana;

¹ *Ibid*

and a letter from the Board of War was referred, three days later, to a committee of three of which Carroll was the chairman.

There were now subordinate Boards of War established at different points, and that of Massachusetts Bay sent a letter to Congress relating to the firm of Gardoqui & Sons, Bilboa, and it was assigned, for consideration to Gouverneur Morris Charles Carroll of Carrollton, and Elbridge Gerry. Samuel Chase had left Congress May 11th, and on the 30th of May, John Henry had leave of absence, Plater and Carroll being the two delegates remaining to represent Maryland. On June 3d, a letter, from Jeremiah Wadsworth, "commissary-general of purchases," enclosing sundry papers, was referred to a committee of which Charles Carroll was chairman. He was also made chairman of a committee appointed the following day, whose duty it was "to examine the journal and extract from thence, in order for publication, all the resolutions relative to the government of the army, the regulations of the quarter-master's, commissary's, and clothier's departments, and to the pay and settlements of the accounts of the army."¹

The important subject of the Articles of Confederation was brought up in Congress on the 22d of June, and the objections of the States were considered. The Maryland delegates read to Congress the instructions they had lately received from their constituents, and the objections of Maryland to the Articles of Confederation were taken up. Two of them were thought to be of no great import. The third

¹ *Ibid.*

was in the form of an amendment to Article IX., and directed that, after the words “no State shall be deprived of territory for the benefit of the United States,” there be inserted the words: “The United States in Congress assembled, shall have power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated States which claim to extend to the river Mississippi or South Sea.” This was debated, and the vote taken the following day.

Such a flagrant infraction of State sovereignty was of course negated by Congress, six states voting solidly against the amendment, while one, New York, was divided. An unfortunate and shortsighted jealousy against the States possessed of unsettled western lands was at the root of this movement, and it is surprising to find Maryland statesmen advocating it. After all the objections of the States were read and considered, New Hampshire, New York, and Virginia expressing themselves as satisfied with the Articles as reported, a form of ratification was prepared, Richard Henry Lee being made chairman of the committee named for this purpose. The “Powers of the States to their delegates to ratify the Articles of Confederation,”¹ were extended upon the journal and congress adjourned June 27th, to meet again in Philadelphia July 2d. Charles Carroll had then returned to Maryland, and Samuel Chase, George Plater, and James Forbes were the Maryland delegates present.

¹ *Ibid.*

Charles Carroll of Carrollton and George Plater wrote from Congress in June to Governor Johnson and the Maryland Assembly a report of its proceedings.

8th June, 1778, YORK.

Sir:

Your letter of the 2nd instant was put into our hands this morning by Col. Smith, and referred to the Board of War. We sincerely wish the state of our clothing at or near the army may be such as to suffer that Board to give the order in the extent you desire. Col. Smith will receive their answer tomorrow. We hope and have the strongest reason to believe, our army will never again be exposed to the same inconveniences and distress they have hitherto suffered from the want of clothing. We understand 8 or 10,000 suits are in the 50 gun ship lately arrived in Virginia, and still larger supplies have arrived at the eastward.

By all accounts from Camp and Philadelphia the enemy appear to be on the eve of evacuating that city. It is conjectured they will march through the Jerseys to South Amboy, where it is said a number of boats are in readiness to carry them over to Staten Island.

War between Prussia and Austria respecting the division of the late Elector of Bavaria's territories, by the latest accounts from Europe, is much to be apprehended, and Mr. Francy informed us that war was certainly declared between Russia and the Porte. The French Court had detained all English vessels in their ports in consequence of a refusal by the Court of London to deliver up an American vessel captured on the coast of France by an English privateer. We enclose you copies of letters from Lord Howe and Sir Henry Clinton's letters to General Washington and to Congress, and our answer.

These may be printed if you think proper, and we beg
the favor of you to lay them before the Assembly.

We are with great respect, Your Excellency's
Most obedient humble servants

CH. CARROLL OF CARROLLTON.
GEO. PLATER.¹

YORK, Monday P.M. 22nd June, 1778.

GENTLEMEN:

The instructions of the House of Delegates of the 18th instant we this morning received in a letter from Mr. Chase, and laid them before Congress; whereupon at our earnest desire, it was resolved to take into immediate consideration the amendments proposed by our State to the Confederation, although Congress had previously determined to take up the amendments offered by the several States in the order in which the States are ranged in the Confederacy, beginning first with New Hampshire, and so on.

This evening the three amendments offered by Maryland were debated and eleven States out of twelve present, rejected the amendments to the 4th and 8th articles, so that our States only voted for them. The fate of the most important amendment is not yet decided, the question being put off by adjournment till tomorrow morning, when it will probably be rejected by a majority of eight States out of twelve.

A Confederation at this critical juncture appears to Congress of such momentous consequence that I am satisfied a great majority are resolved to reject the amendments from every State, not so much from an opinion that *all* the amendments are improper, as from the conviction

¹ Maryland Historical Society.

that if *any* should be adopted no Confederation will take place, at least for some months, perhaps years; and in that case, many apprehend none will ever be entered into by all of the present United States. The distractions probable consequent on such an event, and the many dangers and evils, which may arise from partial Confederacies (which you may more easily paint to yourselves than we can express) have determined some States to accept the present Confederation, although rounded on principles not altogether consistent, in their opinion, with justice and sound policy. For if any amendments should be adopted, it will then be necessary to send the Confederation back to those States whose Legislatures have empowered their delegates to sign and ratify it in its present form; for instance to New Hampshire, New York, Virginia, and North Carolina, the delegates of which States are positively instructed to ratify the Confederation as it now stands, and some of them are directed to admit of no alterations, even literary ones, such as would not affect the true spirit and meaning of any Article, but only serve to elucidate that meaning and spirit by removing all ambiguity and doubt.

In debating our second amendment, viz. to the 8th Article, it was admitted on all sides to be the true meaning and intention of that Article, that *all* lands, not only those already granted to, or surveyed for any person, should be subjected to valuation, and considered as a part of the whole wealth of the State in which they lie. It was contended by several members that the meaning of the 8th Article is clearly expressed, but confessed by some to be dark and ambiguous, who nevertheless voted against the amendment, for the reasons we have already assigned. The amendment to the 4th Article was con-

sidered by every State, Maryland excepted, as unimportant, the Article not being liable, in the opinion of any other State to the objection made and consequences apprehended by Maryland.

23rd. P.M. Our third amendment has just been rejected by a majority of one State; the division was as follows:

| <i>Against Amendment</i> | <i>For Amendment</i> |
|--------------------------|----------------------|
| New Hampshire | Rhode Island |
| Massachusetts | Jersey |
| Connecticut | Pennsylvania |
| New York divided | Delaware |
| North Carolina absent | Maryland |
| South Carolina | |
| Georgia | |
| Virginia | |

Inclosed you have a copy of General Washington's letter received this morning.

We are with great respect, Gentlemen, &c.

GEO : PLATER,

CH. CARROL OF CARROLTON.¹

Of Maryland's opposition to the Articles of Confederation, one of her historians writes:

“Virginia still adhered to her claim to the western lands, and had succeeded in securing in the Articles of Confederation, a clause ‘that no State should be deprived of her territory for the benefit of the United States,’ and Maryland refused to give in her adherence to those articles while that clause existed. The preceding Legislature had solemnly protested against this unjust appropriation of all the public lands won by the blood and

¹ Ms: Letter, Dr. Thomas A. Emmet, New York.

treasure of all, and directed their delegates in Congress to lay their protest before that body, and to offer an amendment authorizing congress to fix the limits of those States claiming to the Mississippi of South Sea.”¹

This one-sided and erroneous statement of Virginia’s position is still repeated in substance by Maryland writers, though nothing has been more clearly established than the two points in contention; the validity of Virginia’s title to her western territory, through her charters, and the justice of her claim to it as won by *her* “blood and treasure” alone during the Revolution, in the expedition of George Rogers Clark. But if Virginia’s territory did not extend to the Mississippi, then the land could not be claimed by any of the colonies. And as has been well said by a modern writer:

“A denial of the western titles on the ground that the western lands belonged to the Crown, tended to subvert the very foundation on which Congress instructed its foreign representatives to stand while contending with England, France and Spain for a westward extension to the Mississippi. Accordingly the Maryland doctrine was a dangerous one; it left no standing ground on which to contend for the western country but that of conquest and occupancy. But Congress wisely kept wide of the Maryland path leading to the Maryland goal, and eventually worked out a solution of the Western question on the principle of compromise and concession.”²

¹ McSherry’s “History of Maryland.”

² Hinsdale’s “Old Northwest,” p. 215. See also Henry’s “Life of Patrick Henry,” vol. ii. p. 75, for a full discussion of the subject.

Charles Carroll, barrister, represented the Carrolls in the Maryland Senate at its spring session, 1778, Charles Carroll of Carrollton was at Valley Forge. But at the fall session of the Assembly which met on the 29th of October, the latter was in his place promptly, his kinsman, the barrister, not appearing until November 9th., which was the first day that a quorum was present in the Senate. Charles Carroll of Carrollton resigned his seat in Congress at this time, and George Plater, William Paca, William Carmichael, John Henry, James Forbes, and Daniel of St. Thomas Jenifer were elected delegates.¹

Charles Carroll of Carrollton was placed, as usual, on the most important committees; one of these, appointed on the 21st, was empowered to draw up instructions for the Maryland Congressmen, Carroll's associates being Matthew Tilghman, Charles Carroll, Thomas Stone, and Thomas Jennings. Two days later he was named one of a committee for drafting bills on the acts of Congress providing soldiers and seamen, and relative to the Treasury of the United States. The absorbing question of the Articles of Confederation next occupied the Assembly, and on the 30th of November the Senate received the following message on the subject from the House of Delegates:

“Resolved, that in the opinion of this House it is fundamentally wrong, and contrary to all the principles of equity on which a Confederation ought to be founded,

¹ Journal of the Maryland Senate

that the State of Maryland or any other State in similar circumstances, should be burthened with very heavy expense for the subduing and guarantying immense tracts of country, when they are to have no share of the monies arising from the sale of lands, or to be otherwise benefitted thereby, and that this State ought to declare, that they mean not on those terms, to incur, nor will be responsible for, any part of such expense.

“*Resolved*, That in the opinion of this House we ought to rely on the wisdom and justice of Congress, to put such construction on the 8th Article of the Confederation, as may be consistent with the general scope and intention thereof; and that our Delegates in Congress be instructed to move for an additional article assuring every State in the Union, that all lands that have been or shall be conquered or purchased at the common expense, and which were not located, granted, surveyed or settled, at the commencement of the war, or the money arising from the sale thereof, shall be distributed agreeably to the rule laid down in the 8th Article, for adjusting the proportion of public expences; which being obtained, the State of Maryland will cordially accede to the Articles of Confederation and Perpetual Union. But should so equitable a claim be denied, the duty we owe to ourselves and posterity will not permit us to ratify a scheme, which is fraught with the ruin of us and the States in similar circumstances.”¹

A committee was appointed by the Senate to meet a committee of the House to deliberate on the propositions respecting the Confederation, and Charles Carroll of Carrollton, who was so familiar

¹ *Ibid.*

with the subject as debated in Congress, was one of the four Senators designated. The others were Matthew Tilghman, Robert Goldsborough, and Thomas Jennings. The "Declaration" relative to the Confederation, with the "Instructions" to the Delegates in Congress, and the Treaty of Alliance entered into with France, were read in the Senate on the 15th of December. On this same day, Charles Carroll of Carrollton and Brice Thomas Beale Worthington were appointed conferrees to meet a House committee and prepare an account of the expenditures of all public monies in the State, to be laid before the Assembly.

There was a good deal of friction between the two branches of the Legislature at this time, on several points; notably on the subject of increasing "the allowance of members of the General Assembly," a measure advocated by the House of Delegates but opposed by the Senate. The old foreign terms of respect learned under the monarchical *regime*, were still in use in addressing the Republican Executive and Senate; "Your Excellency" for the Governor, and "May it please your Honors," for the members of the Upper House. The miniature Commons, the House of Delegates, were in turn simply designated "Gentlemen" by the aristocratic Senate.

"If your Honors," say the gentlemen of the unfair treatment by the Senate, "had been equally solicitous with us to preserve the dignity of the two Houses, and to avoid unbecoming

sarcasms and irritating sneers, the session would not have been prolonged beyond that period in which the public business might have been transacted.” And they put it to the frugally minded Senators: “Do your Honors think a gentleman can live in the city of Annapolis for less than the proposed sum?” [forty shillings, about \$8.00 per day]. The House then tries a little irony on the Senate, in returning a bill which the latter would not pass without an amendment obnoxious to the House:

“If then there are any instances in which the public Treasury will be robbed, either through the ignorance, mistake or design of men, to whom the execution of our laws has been committed, no doubt your Honors’ known attachment to the frugality of finance, will suggest the propriety and necessity of receding from your proposed amendment.”

To this the Senate reply that it is their wish to avoid altercation at all times, but they see no cause to recede from their amendment, yet if they find on reflection that they are mistaken, “the next session will afford opportunity of applying proper remedy.” After naming Charles Carroll of Carrollton and Thomas Jennings as those members of the Senate who were to join a House committee in preparing, during the recess of the Assembly, a bill for amending and declaring the criminal law, the Senate adjourned, and it was ordered that Charles Carroll of Carrollton revise and correct their proceedings.¹

¹ *Ibid.*

When the Assembly met again on the 9th of March, 1779, Charles Carroll of Carrollton was present in the Senate, Charles Carroll, barrister, taking his seat some days later. At this session Samuel Chase created no small scandal and disturbance, one may imagine, by his accusation of treason against some of the most prominent members of the Maryland Senate. He had made these charges publicly, outside of the Assembly, as it was reported, and was required to give an explanation of his conduct. He now called Samuel Wilson a "traitor," and declared Thomas Jennings a suspicious character, saying that he had been neutral in the present dispute and very lately, and that he had taken the oath of allegiance to two "free and independent States," and he could not be faithful to both of them. Charles Carroll, barrister, and Matthew Tilghman were accused by Chase of having said, while in Congress in December, 1776, that propositions of reconciliation should be made with General Howe.

Asked if he had anything further to declare, this patriot replied, "It might look like partiality if it passed by the President." Daniel of St. Thomas Jenifer was President of the Senate, and he was then charged by Samuel Chase with having written a certain imprudent letter in 1777, and with saying, in conversation, to Dr. Craik, sometime during the previous spring, that "it was time to bring about a reconciliation." Jenifer denied this, and Mr. Chase and his accusations were relegated, for final investigation, to an early day in the succeeding Assembly. An important message, probably

penned by Charles Carroll of Carrollton, was carried by him from the Senate to the House, March 20th, asking for alterations in the supplement to the Supply Bill for 1779. The matter of the pay of members coming up again, a message from the House was read, March 21st, a resolution "that three pounds current money per day be allowed to each member of the General Assembly during his attendance at this session and three pounds a day for itinerant charges." Charles Carroll of Carrollton then gave notice that he would protest against the resolution, which he did in the following words:

Dissentient. 1st. Because this resolve sets a dangerous precedent for future legislators to vote the people's money into their own pockets; for if the former are at liberty to increase their own wages *ad libitum*, and the desire of gain should overcome the dictates of duty and honesty, the dread, and not the love of the people, would alone deter men of such character from enriching themselves with the spoils of their constituents.

Secondly. Because this resolve plainly discovers a disposition to relieve ourselves from the effects of a depreciated currency, while private creditors, and the public, remain unredressed, and continue to be stripped of their revenues and property by an *ex post facto* tender law, unnecessary and impolitic at its commencement, injurious and oppressive in its continuance, and alike destructive of private and public faith.

Thirdly. Because this resolve appears to be a manifestation of the continuance of that spirit, which there is reason to apprehend, influenced too many to pass the tender law, viz., the preference of private to the public

interest. By that law individuals have acquired property cost, and the public treasury has been deprived of a fund, which at the conclusion of this war, if properly managed, would have enabled the State to discharge all its own incumbrances, and part of its quota of the Continental debt, without imposing such very heavy taxes, as now, by the abolition of that fund, are become absolutely necessary to discharge the debt incurred by the war, and the maintainance of our civil and military establishments.

CHARLES CARROLL OF CARROLLTON.¹

Work was at this time mapped out for the joint committee of the two Houses, who were to sit during the recess of the Assembly, to examine the accounts of the Auditor-General, Commissary of Stores, and Commissary of the Loan Office, and to inquire into and report upon the expenditure of the public money advanced to certain individuals who were to have furnished cannon, muskets, etc., to the State. This committee was to have power to call on the Council of Safety, and the Governor and Council, for their proceedings, to look into the expenditure of all the public funds, to send for such persons, papers, or records as they deemed necessary, and they were to be allowed a clerk and doorkeeper, while all their expenses were defrayed by the Assembly. The Senate members appointed on this committee were Charles Carroll of Carrollton, Brice Thomas Beale Worthington, and William Hindman. Caustic messages then went back and forth

¹ *Ibid.*

between the two Houses, on the subject of the communication of the Senate relating to the Supply Bill, which the House of Delegates declined to answer, maintaining their right to originate and frame money bills, in which class they considered the Supply Bill to belong. The bill finally passed the Senate, Charles Carroll of Carrollton alone dissenting, and it was carried to the House of Delegates by Charles Carroll, barrister, with the following message:

“GENTLEMEN:

“The declining to answer our messages is a conduct so singular, and so unbecoming a branch of legislature, that we really should have been at a loss to conceive to what motives it might be ascribed, had not your message of this day, accompanied with a resolve in reply to ours, calling for an answer, discovered to us, that a warm and zealous attachment to the rights and privileges of your own House had excited some fears and jealousies of a design in ours to encroach on those rights and privileges; had we been left to guess at your motive we might have ascribed it to a different cause. It is indeed remarkable, that those fears and jealousies should immediately vanish, when two days after we returned you the resolve of your House for increasing our own allowances without limitation of time, with a negative accompanied by a message, proposing an alteration to be inserted in another resolve, to which you most readily agreed. The consistency and propriety of your conduct in these two instances, we shall leave to yourselves to determine; suffer us only to remark as something extraordinary, that your extreme sensibility and watchfulness for your rights

in the first instance was so soon followed by great calmness and ready acquiescence in the second.

“The objection mentioned in our message by Charles Carroll of Carrollton most clearly lying against the original law, and as we then thought against the present bill, which in respect of the assessment of an additional pound rate is consolidated with it, and being in our opinion very material, we were constrained by our love of justice, which in all acts of legislation should at all times be preserved, to point it out to you. We did it without the least intention of infringing the rights of your house, and in a manner we judged most unexceptionable, that you might have an opportunity, if you thought proper, of making the alteration, and although upon reconsideration of the bill, it appears doubtful whether our objection does so clearly apply against that, as against the original, yet we still think it worthy your notice, as all laws ought to be couched in the most clear unequivocal terms. However, gentlemen, as you have determined, perhaps wisely, to enter into no argument on the occasion, which in truth we had no intention or desire of leading you into, and as we have not in any instance discovered a disposition to make the least attempt, either directly or indirectly, to violate the rights and privileges of your House, we shall at present content ourselves with sending you down the bill with our assent, which it was our intention to have done, had you not agreed with us in sentiment on the proposed objection, and which, indeed is plainly enough implied in the message itself.”¹

The Senate adjourned on the 25th of March. The Assembly was convened again by the Governor’s

¹ *Ibid.*

proclamation July 15th, but Charles Carroll of Carrollton was not present. At this session Thomas Jennings resigned his seat, probably out of indignation at the charge made against him by Samuel Chase. The accusation against Samuel Wilson was examined into, and no proof of "toryism" or "treason" could be discovered. Chase filed a statement in the journal relative to Charles Carroll, barrister, Thomas Jennings, and others, and the extra session closed August 15th.

At the regular fall session of the Assembly both of the Charles Carrolls were in their places in the Senate, and Daniel Carroll was given a seat in the new Council. Thomas Sim Lee, of the distinguished Lee family of Virginia and Maryland, was elected Governor. A joint committee of both Houses was deputed to draw up an address of thanks to the retiring Governor, and Matthew Tilghman and Charles Carroll of Carrollton, with William Paca, were the Senators named for this purpose. A committee of both Houses was appointed on the 29th of November to hold a conference on the subject of the proper measures to be used to procure supplies of flour and forage, clothing, blankets, shoes, etc., for the troops of the State, also to consider the recommendation of Congress to the States, as to concerting laws "for establishing and carrying into execution a general limitation of prices." Matthew Tilghman, Charles Carroll of Carrollton, and Brice Thomas Beale Worthington were appointed from the Senate. The report of the conference was made on the 11th of December. They did not think it was expedient at

that time to regulate prices in Maryland, and they suggested a meeting of commissioners from the several States at Philadelphia the first Monday in January, 1780, to consider the subject.¹

A petition of the Quakers was read about this time, and sent to the House by Charles Carroll of Carrollton. On the 15th of December the Senate voted, Charles Carroll going with the majority, to strike out a clause in the act relating to deceased persons:

“That every inventory and appraisement of estate of deceased person hereafter to be made, shall be in paper currency, at the current prices, at the time of the appraisement, and the warrant to the appraisers and their oath shall be to value the estate accordingly, and the executor or administrator shall be answerable for the amount of such appraisement and accountable thereof to the creditors or legal representatives of his testator or intestate.”

A bill to prohibit, for a limited time, the exportation of wheat, flour, rye, etc., with the proviso, “That this did not prohibit any firmer or planter of the State from carrying his grain or other article therein mentioned to his usual market for sale,” brought about a tie vote, and the motion was therefore lost. There were eight members of the Senate present, and Charles Carroll of Carrollton was one of the four voted in the affirmative. Charles Carroll, barrister, had received leave of absence some time previous. At the second reading of the bill for

¹ *Ibid.*

more effectually preventing forestalling and engrossing, it was proposed that the fine incurred should be changed to “not exceeding £10,000,” instead of simply “£10,000.” The motion was negatived, Charles Carroll of Carrollton being one of the three Senators who voted in its favor.¹

A message from the House expressed dissent in warm terms from the amendment to the bill relating to the estates of deceased persons. “Your last amendment,” it said, “is wholly inadmissible, and if the cries of the fatherless and widows cannot prevail on your Honors to recede from that amendment, we have no hopes that anything we can say will have that effect.” The vote was taken again in the Senate on this bill, with the same result, and Matthew Tilghman and Charles Carroll of Carrollton were appointed to prepare a message to send to the House, in defence of their course. This message gave as the Senate’s motive for not receding from their amendments, that otherwise “a power would be thereby given to the justices of the Orphans Court or to the Chancellor, of altering the last wills of deceased persons in many instances, a power as we conceive, too extensive and dangerous to be lodged in any man or body of men.” The message continues:

“We cannot suggest the reasons which occasioned the unanimity of your House in rejecting the amendment in question; they were no doubt forcible, and therefore we are not a little surprised that they have been withheld from us, for an appeal on this occasion to our under-

¹ *Ibid.*

standings, had been full as proper as to our feelings, not that we are less susceptible to pity and compassion than yourselves, or less desirous of drying up the true source of the tears of the fatherless and widows; the proposed amendments affording equal relief, and doing stricter justice, than the clause as it stood in the bill, evince the truth of these assertions; the reflection, therefore, obliquely cast upon us in your message of yesterday, of being regardless of the cries of widows and orphans, is not only injurious and impolite, but has a tendency to destroy that temper and mutual respect which are so necessary to be preserved by public bodies, for the judicious and dispassionate transaction of the public business.”¹

The bill for the confiscation of British property was the next point at issue between the two Houses. A majority in the Senate, including Charles Carroll of Carrollton were for referring it to the next session, alleging the severity of the weather, for it was now December, and the “prospect of danger to the Eastern Shore gentlemen of being shut out from their homes during the winter.” But the House of Delegates, unmindful of such considerations, insist on passing the bill. Then Matthew Tilghman and Charles Carroll of Carrollton, the Senate’s tried and chosen penmen, are deputed to prepare a message for the House, which is carried to them by Carroll. It is of considerable length, and contains this clever, slightly sarcastic paragraph:

“Justice, policy and necessity, you say, influence your conduct. It not infrequently happens that different

¹ *Ibid.*

ideas of justice, policy and necessity, are entertained by different bodies of men. We are not convinced of the justice of the bill, less of its policy, and least of all of its necessity. We have not had sufficient time to make those strict and full researches into the law of nations, which you say you have made.”

After stating why they dissent, the message ends: “The reasons we have now given in support of our conduct on this bill, in consequence of the information and reasoning you have offered to induce a reconsideration, will evince the propriety of sending it to you again in the same manner we first returned it.” The House send back a reply twice as long as the Senate’s rejoinder, in which they say: “The length and multiplicity of matter contained in your message of the 23rd, by Charles Carroll of Carrollton, has required more time to consider it, than if your Honors had confined your observations and reasoning to the true points in controversy.” The Senate has the last word in the correspondence, however, in their reply to the House sent the same day, December 30th, the last day of the session:

“To your long message of this day, on the subject of confiscation, sent us at the moment almost when both Houses expected to rise, we presume you do not look for an answer. Decency, however, requires that we acknowledge the receipt, and that it has been read. Circumstances do not allow us to say more than what in justice to ourselves we are constrained to say, that we remark some misrepresentation, and much fallacy of argument. It was our wish at first, and nothing now remains but to refer the subject to the consideration of

another session, not because your reasoning is unanswerable, but because the intention of both Houses to rise this evening, will not admit of such answer as might otherwise well be given.”¹

In a letter to Dr. Franklin written at this time, Charles Carroll of Carrollton speaks of his determination to resist this act for the confiscation of British property. “Because,” he says, “I think the measure impolitic, contrary to the present practice of civilized nations, and because it may involve us in difficulties about making peace, and will be productive of a certain loss, but of uncertain profit to this State, for as this business will be managed, it will be made a job of, and an opportunity given to engrossers and speculators to realize their ill-gotten money.” Entertaining these views of the impolicy of the Confiscation Bill, Charles Carroll constantly opposed it, both at this and succeeding sessions of the Legislature. A member of the Maryland Senate, writing of the services of Thomas Stone as State Senator in 1777-1782, says:

“There was a severe trial of skill between the Senate and the House of Delegates, on the subject of confiscating British property. The Senate for several sessions unanimously rejected bills passed by the House of Delegates for the purpose; many, very long and tart were the messages from one to the other body on this subject, the whole of which were, on the part of the Senate, the work of Mr. Stone and his close friend and equal in all respects, the venerable Charles Carroll of Carrollton.”²

¹ *Ibid.*

² Scharf's “History of Maryland,” vol. ii., p. 236, Note.

It was not until the spring session of 1780, however, that Thomas Stone appears as associated with Charles Carroll in this matter.

To Dr. Franklin, also, Charles Carroll of Carrollton gives his reasons for leaving the Continental Congress. His retirement was regarded as a serious loss to the government, and was deplored by many of his friends. But to a number of Americans, at this time, a seat in the State Assemblies seemed more honorable and useful, than one in the Congress of the United States. Washington had observed this with grief and dismay, in connection with some of the eminent Virginians and others. J. Clement wrote to Richard Henry Lee, October 3d, 1779: "I am sorry to hear that the first great Actors in the great business in hand, have left their seats in Congress. It is a bad sign for the common cause. By a letter from Mr. Carroll, he too, I find, has retired. He has written to me a very sensible letter on the subject of the pamphlet entitled 'The Mode and Terms of an Accommodation, etc.' His ideas in general concur with mine."¹

The following is the letter to Dr. Franklin, in which Charles Carroll of Carrollton gives an account of the work doing in the Maryland Assembly, with other news of public interest.

ANNAPOLIS, December 5th, 1779.

DEAR SIR:

The bearer, Mr. Thomas Ridout, brother of Mr. John Ridout of this city, with whom I believe you are acquainted, has solicited me to introduce him to you. As

¹ Lee Papers, Harvard College Library.

I know him to be a young gentleman of modesty, worth and good sense, I have taken that liberty. Any civilities it may be in your power to show him, I shall esteem as conferred on myself. He proposes to go to England from France, and talks of returning again to this country on a peace. He is not in the least acquainted with the following contents of this letter.

Your obliging favor of the 2d of last June by the Chevalier de la Luzerne (the only letter of all those which you mention to have written that is come to hand) I received some time last August. I have not yet had the pleasure of seeing the new Minister, having resigned my seat in Congress this twelve month past. The situation of my domestic concerns, and the little use I was of in that Assembly, induced me to leave it altogether. The great deal of important time which was idly wasted in frivolous debates, disgusted me so much that I thought I might spend mine much better than by remaining a silent hearer of such speeches as neither edified, entertained, or instructed me. Whether I shall be so fortunate as to entertain you while reading this letter, I know not; instruct, I am sure, I cannot. However, as the subject on which I am going to write is interesting and important, perhaps the sentiments of an individual who has had some small share in our public councils, may not be altogether unacceptable.

A Minister, I presume, is used to complaints and accusations; but I am not going either to accuse or complain of any person, but to describe things as they are, or at least, as they appear to me. The state of our public credit first claims the attention of all good Americans. The depreciation of our bills of credit is such that they scarcely answer the purposes of money. The Congress has stopped the press; this in my opinion should have

been done much sooner, or not done at the time it was done. They have recommended heavy taxation, and have called on 12 States (Georgia is out of the question) for 15 millions of dollars monthly; our proportion therefore, is 1,580,000. Our Assembly which is now sitting will, I believe assess 9 millions of dollars to be raised in 9 months; the residue is proposed to be raised from the sale of British property, for the confiscation of which a bill will be brought in this session. Whether it will pass or not, I can't say; it shall not with my vote, because I think the measure impolitic, contrary to the present practice of civilized nations, and because it may involve us in difficulties about making peace, and will be productive of a certain loss, but of uncertain profit to this State, for as this business will be managed, it will be made a job of, and an opportunity given to engrossers and speculators to realize their ill-gotten money. The following particulars will give you some idea of the depreciation of our currency. Gold sells, or lately sold in Philadelphia at 40 for one. A gentleman of this place and my acquaintance told me he had refused £5000 for a bill of exchange of £100 sterling at 30 days sight on London, and would not part with his bill for less than £5600. Congress has advised our Assembly that they propose drawing bills of Exchange at six months sight on Messrs. Jay at Madrid, and Laurens, who is going to Holland, to the amount of £200,000 sterling; that is for £100,000 sterling on each of those gentlemen. At what exchange these bills will be disposed of I can't pretend to ascertain; I have heard 25 for one mentioned, but surely a better exchange will be obtained, or else the public will soon be ruined by a few such strokes of finance.

Wheat sells at £20 per bushel and the rise of the mar-

ket; Hyson tea at £100 per pound, Indian corn at £40 per barrel, and Tobacco at £40 odd pounds per Ct.; as to European merchandise, it is impossible to ascertain its value or price; indeed everything is rising, so that wheat sells today at £20 for instance, may sell ten days hence for £40. To check this evil, Congress has recommended to the several States a general regulation of prices on all articles, domestic and foreign, save warlike stores and salt. The regulation, according to the recommendation, is to take effect the first of next February, and the standard fixed by Congress is twenty prices on all prices in 1774. If wheat, for instance, in that year sold for 7/6 per bushel, it may be sold on the 1st of next February for £7, 10, 0.

Whether the several Legislatures will adopt this regulation I know not; ours, I believe will, conditionally, that is if other States should. My own opinion is, that it will be extremely difficult to carry such a regulation into practice, and if it should be attempted, I fear, will be productive of more evil than good. Every regulation of price is an acknowledgment that the price allowed is not equal to the value of the commodity on which it is fixed, and consequently destructive of that freedom in dealing which is the life and soul of trade; besides the regulation if adopted as recommended by Congress, will be retrospective, and of course ruinous to a great number of people who have purchased country produce or merchandise at the present prices, either to sell again or for their own consumption. What you have read may properly be called a Chapter of Lamentations; now for a little comfort.

We have a good, though not a numerous army, about 20,000 fine hardy fellows, as tough as the knots of an old seasoned oak, well disciplined, well-armed, and pretty

well clothed, commanded by a man whom they reverence and love. This army is strong enough to repress the enemy's inroads, but not to force them in their stronghold, New York; it might be easily reinforced in the spring, if we had *good money*, but wanting that sinew of war, we may be compared to a vigorous young man, bound hands and feet, struggling in vain to get loose. I flattered myself some months ago that ten or twelve ships of the line from France, with ten thousand land forces, would have joined this fall Count d'Estaing's fleet off New York. Had such an expedition taken place there is the greater reason to believe the enemy's army must have surrendered prisoners of war; such an event must have put an end to it, and have produced peace of which we stand so much in need. If this winter should not bring about that desirable event, cannot such an expedition be taken early next summer? England may be amused, and Ireland threatened with an invasion early in the spring, and under that feint 15 ships of the line with a suitable number of frigates and transports, carrying between ten and twelve thousand Troops may sail the latter end of February or the beginning of March from Brest or Ferol. When these troops in conjunction with ours have reduced the British forces at New York, they may proceed to the West Indies and take the remaining British Islands. No plan of operations promises fairer success; the invasion of England or Ireland would be attended With incomparable greater difficulties and peril. If an impression should be made on either of those Islands the rest of Europe may take the alarm; but I should apprehend the independence of these States cannot give umbrage or offence to any other European Power besides England. If such an expedition as I propose should be thought of seriously, it will

be necessary to despatch a frigate very early in February, or sooner, to notify General Washington thereof in time, that he might be fully prepared to act immediately with the fleet on its arrival before New York; the French and Spanish squadrons in the West Indies should be ordered to meet the fleet from Europe off New York.

I hope, my dear Sir, you will excuse the freedom I have taken in mentioning what, in my opinion, will be the most likely method of bringing this war to a speedy issue; be persuaded peace is of the utmost importance to us.

I am, with the greatest regard and respect, Dear Sir,
Your most obedient, humble servant,

CH. CARROLL OF CARROLLTON.

P.S.—The crops of wheat have been very short, and much of the wheat destroyed by the fly; a good deal has been exported in flour to the French Islands. It would therefore be proper and prudent for the fleet to bring flour enough to feed the land and sea forces till next harvest comes in. A battering train of brass ordnance with all its apparatus, and six thousand stand of small arms to arm our militia will also be necessary; the arms will be returned to the French General when the expedition is over.¹

From his old friend Edmund Jennings, with whom he still kept up a correspondence, Charles Carroll received an interesting letter in September, 1780, introducing Arthur Lee of Virginia, on the latter's return from Europe:

MY DEAR SIR:

I have received your very kind favor of the 21st September conveyed to me by the care of my friend Mr.

¹ Sparks MSS.; Harvard College Library.

Ridley, but that which you inform me you wrote three weeks before, has not come to hand. I am much obliged to you for the attention you paid to those Books I took the liberty of sending to you; but my dear friend, let me beg you to read them over again, and I trust you will then feel the necessity of banishing as far as possible those banes of public and private virtue Avarice and Ambition. This is the object of all that the Abbé Mably has said. He is too wise a man to think it possible, or even to wish to introduce the particular Institutions of antient States, as applicable or receivable, in the systems of the present world. But although he would not adopt the Latter, he is desirous of introducing the principles of Legislators who succeeded in their plans, as far as the wisdom of men could succeed in their's or at any other time. Tell me not, my dear friend, that if his only object was to show the mischief of Avarice and Ambition, that he has taken up a great deal of time to prove what everybody has been long convinced of. I wish they were so, but I have Books most plausibly written, and general Education I know, serves to recommend the one and justify the other. They teach men, and the instruction has been but too well attended to, to pursue the petty Passions cost what it may to the public happiness, and to heap up riches, the luxurious expenditure of which necessarily corrupts public virtue. If I should trace the present unjust system of Great Britain, I should prove that these vile passions are at the bottom of it, and perhaps should you reflect, and I know you do it with much concern, on the present temper of our Country, you would see the disorders that have arisen, greatly owing to their predominancy.

I could write a volume, and perhaps shall on some future opportunity trouble you at least with a long letter,

to explain fully my ideas on this matter. But I must now pursue what I had in view in addressing myself to you at this time. It was, Sir, to recommend to your particular confidence and friendship, the Honble Arthur Lee Esq., the Gentleman who will present this to you, of whose knowledge of the Affairs and attachment to the interests of our Country, you are well convinced. I know not anyone who can give you better information of the state of Europe at this juncture, and who will do it with more sincerity, for no one can wish, nor has endeavored more to promote the public happiness and liberty. I should have ventured to have entered into the detail myself, if I were not well assured he is able and willing to give you the utmost insight into things on this side the water, for he has had the best opportunities of knowing, and has the best abilities to judge of public transactions. I am convinced you will attend to him for his and for your own sake, and what is more, I will venture to say to you, as I could to him, for the sake of our Country.

I am, dear Sir, most faithfully etc.,

[EDMUND JENNINGS].

September 28th, 1780.¹

¹ Lee Papers, Harvard College Library.

CHAPTER II.

1780–1783

IN THE MARYLAND SENATE.

THE second session of the Maryland Assembly for 1779-80, met on the 28th of March, 1780, and Charles Carroll of Carrollton was promptly in his seat. On the 31st the ballot was taken for the vacancies to be filled in the delegation to Congress, and the House and the Senate differed on a question of eligibility. The House maintained that those gentlemen who had been balloted out at the last session of the Assembly, could not be put in nomination again, as had been done by the Senate, and upon apprising the latter body of their vote on the subject, the Upper House responded in curt and dignified language: "Gentlemen, the Resolves or votes of your House cannot be admitted as any rule for the proceeding in this. We are of opinion that the gentlemen proposed by us are eligible to Congress by our Constitution."

A few days later Charles Carroll was placed on a committee, with Thomas Stone and three others, to report on the resolve of Congress recommending to

the several States to revise their laws “making Continental notes a legal tender in discharge of debts and contracts, and to amend the same in such manner as they shall judge most conducive to justice in the present state of paper currency.”¹ The bill for recruiting the quota of Maryland’s troops in the Continental army was sent to the House of Delegates by Charles Carroll of Carrollton, and was probably drawn up by him. The House returned a conciliatory message to the Senate, April 6th, in respect to their difference of opinion on the subject of the candidates to Congress, and a conference was agreed upon. The Senate conferrees appointed were Charles Carroll of Carrollton, Thomas Stone and Brice Thomas Beale Worthington, and the result of their discussion with the conferrees of the House was a tribute to their powers of persuasion, as the House now adopted the Senate’s view.

On the vexed question of the Confiscation Bill, there was, as yet, no prospect of agreement. The House of Delegates sent a message to the Senate, April 12th, in regard to the requisitions of Congress, saying they had been considered, and the Delegates had “determined to exert their utmost endeavors to furnish supplies of provisions in kind,” and “to adopt and carry into execution as far as possible, the advice and plan of Congress relative to their bills of credit.” These two subjects the House considered, involved the greater part of the material business of the session. But, they urged, “our affairs are brought to an alarming crisis,” and

¹ Journal of the Maryland Senate.

they insisted that in order to establish funds to afford redemption of the new bills of credit, they must appropriate to the State the property of the Tories: "With the application of British property," the message continues, "we are of opinion, this State can comply, in substance, with the two requisitions of Congress, and without the aid of that property we really fear it will be impracticable, if not impossible. The important and necessary business of the session therefore waits your honors decision on the bill for confiscation."¹

Charles Carroll carried the reply of the Senate to the House, telling the latter that the thinness of their numbers had induced them to postpone the consideration of the bill, and suggesting that it be made the order of the day for Friday, the 14th. When it was taken up at the date specified, the President of the Senate, Daniel of St. Thomas Jenifer as having held the office of agent to the Proprietary wished to be excused from voting, but his request was denied. So also Robert Goldsborough who owned considerable property in England, asked the same privilege, but it was refused him. The opponents of the bill succeeded in preventing its passage, and it was returned to the House the following day. Robert Goldsborough, Charles Carroll of Carrollton and Thomas Stone were appointed a committee at this time, to prepare a bill entitled "An Act for the security of this State and the subjects thereof, and for other purposes."

A long message was received from the House,

¹ *Ibid.*

May 5th, on the subject of the Confiscation Bill, declaring that its rejection by the Senate involved them in very great difficulties. The bill for bringing into the treasury the sum of twenty million, five hundred and forty thousand dollars, and sinking the same, was sent to the Senate, read by them, and returned to the House, with a message objecting to two clauses, as unconstitutionally connected with the bill. That same day, May 6th, the bill came back to the Senate, with some caustic words from the affronted gentlemen with whom it had originated, to the effect that their "honors" message, in the House's opinion was "irregular." It was "contrary to the practice of either House to return a bill on the first reading," they stated, "and repugnant to the twenty-second Article of our form of government, which declares that the Senate can only give their assent or dissent to money bills." They furthermore considered the two clauses objected to as "pertinent and necessarily connected" with the bill. The following day the bill in dispute was carried again to the House, the Senate declaring that the eleventh article of the Constitution was rendered nugatory if these clauses were attached to it. They say:

"If the bill was nothing more than a money bill we should be obliged to assent or dissent to the whole by the 22nd Article, and could not propose amendments; but certainly when matters are grafted on such a bill which can stand independent of it, we have a right to desire that such matters may be separated, and that without giving the bill a negative."¹

¹ *Ibid.*

The House still determined to carry their point, sent back the bill the next morning, and two days later, on the 10th, the Senate “unanimously rejected” it, returning it with a long message setting forth the reasons for their action. A conference was then proposed, the Senate appointing for this purpose Charles Carroll of Carrollton, Matthew Tilghman, Thomas Stone and Brice T.B. Worthington. The joint committee met on the 12th, and conferred on the matters involved, the tender law and the project of making new Continental bills legal tender, reporting the propositions agreed upon. Five pages of the Senate’s printed journal is filled up with their message to the House on the Confiscation Bill, the composition, as were all the Senate’s messages on this point, of Charles Carroll of Carrollton and Thomas Stone. And a bill from the House for sinking Maryland’s quota of the bills of credit emitted by Congress, was unanimously rejected by the Senate, and returned with a long message, probably written by Charles Carroll. The Senate bill, “Act to prevent suits being brought or continued by any person or persons residing in the British dominions,” was in its turn rejected by the House. They replied at the same time to the Senate’s “long message of the 14th,” and expressed themselves “deeply affected” by the Senate’s negative to their bill for sinking the quota of the State. “We return with anxiety to our homes,” they add. The Senate rejoined with a farewell message, and thus at odds, the two branches of the Assembly adjourned, to meet again early in June.¹

¹ *Ibid.*

At the extra session in June, resolutions were passed by the Assembly asking of Congress arms for the State, four brass pieces, also a Continental frigate to be stationed where it could protect the trade of Maryland and Virginia through the capes of Chesapeake Bay. An act was passed also, authorizing the commissioners who were to obtain a supply of flour and other provisions for the army, to hire or impress vessels or carriages for these purposes. Letters from the Commander-in-Chief and committee of co-operation were transmitted by the Governor to the Assembly, and a conference took place between the two Houses on the subject of these communications. The conferrees appointed by the Senate were Matthew Tilghman, Charles Carroll of Carrollton, Thomas Stone, Brice T.B. Worthington and William Hemsley.

An act was passed on the 20th, for the speedy enrolment of the militia; and a memorial was read the next day from the merchants of Baltimore, praying that no duties should be laid on articles of trade. On the 26th, the "Act for sinking the quota required by Congress of this State of the bills of credit emitted by Congress," was passed, eight Senators voting in the affirmative and but one in the negative, nine being the whole number present. This single negative vote was given by Charles Carroll of Carrollton, the only Senator who remained firm to the convictions expressed by the majority at the previous session. Charles Carroll of Carrollton brought in, July 1st, an act laying a general embargo, prohibiting for a limited period, the exportation of wheat, flour and other articles.

The House of Delegates at this time sent up a bill for recruiting the State battalions, to which the Senate added a page and more of amendments. And it was proposed in a message from the House that an adjournment should take place the next day, July 3d, as “the approach of harvest” made it necessary they should return to their homes. A compromise was finally reached on the recruiting bill, July 4th. On the following day, Charles Carroll carried a message from the Senate to the House, giving it as their opinion that an address by the Assembly “to our fellow citizens will in the present state of affairs have a good effect.” And the bill was passed for raising an additional battalion of regulars. The patriotic address to the inhabitants of Maryland was prepared in the Senate by Charles Carroll and others, and sent to the House by Mr. Worthington. It was resolved that fifty copies be printed for each county and forwarded “to the respective lieutenants,” and that it be published for two successive weeks in the Annapolis and Baltimore gazettes.¹ With the proclamation of this manifesto the Assembly adjourned. The “Address to the People of Maryland” closed with these eloquent and stirring words:

“The prize we are contending for is inestimable; the blood of those heroes which has been shed in this just and glorious cause, the inviolable ties of plighted faith, the necessity of conquering, gratitude to our illustrious General, and to the brave men under his command, all conspiring, call aloud for our redoubled efforts....

¹ *Ibid.*

The fall of Charleston, and the distress of our brave friends in that quarter, have infused fresh vigor into the councils of America; let us, like the Romans of old, draw new resources and an increase of courage even from defeats, and manifest to the world, that we are then most to be dreaded when most depressed.”¹

When the day came for the meeting of the new Assembly, October 17, 1780, the only members of “the Senate present were the two friends Charles Carroll of Carrollton and Thomas Stone. By November 2d eight Senators had collected, making a quorum, and the session opened. Since the meeting of the Assembly in June the alliance with France had been consummated, and the Maryland legislators showed their appreciation of the brighter aspect of public affairs, by their resolve that the Governor be asked to appoint a day of thanksgiving and prayer. Thomas Sim Lee was elected Governor of Maryland a second time, and Matthew Tilghman and Charles Carroll of Carrollton were appointed by the Senate a committee to request the attendance of the House to see the Governor qualified. Charles Carroll had leave of absence granted him on the 15th, and he seems to have been away from the Assembly for twelve days, his name first appearing again in the Senate journal, November 27th. In the meantime, on the 17th, the election of members of Congress had taken place and Charles Carroll had been one of the delegates appointed.

A committee was named on the 29th of November, to prepare, in conjunction with a House com-

¹ *Maryland Journal and Baltimore Advertiser*, July 11, 1780.

mittee, a draft of instructions to the Maryland delegates in Congress on the subject of Confederation. The three Senators chosen were Matthew Tilghman, Charles Carroll of Carrollton, and Thomas Stone. The Confiscation Act came up again December 5th, but the motion to give the bill a second reading at that time was quickly negated, only two members voting for it. A petition from the trustees of the poor in Frederick County, on the subject of the prisoners quartered there, was referred to a joint committee of both Houses, the conferees from the Senate being the same three members named above, with one other in addition. They reported that Frederick Town in Frederick County was the only place in the State where the convention troops could be accommodated, and they proposed that application be made to Virginia to supply fresh provisions for them.

An important joint committee, of which the Senate members were Matthew Tilghman, Charles Carroll of Carrollton, and Thomas Stone, was appointed about this time, to write a letter to the Assemblies of Pennsylvania, Delaware, and Virginia, to secure concerted action on the two subjects of the embargo on provisions and the "calling in the Continental and State emissions."¹ On the 20th of December, the Senate sent to the House a message on the subject of the Confiscation Act, saying that the consideration of it had been interrupted by other important business, and they were now anxious to settle the matter, and therefore proposed a joint con-

¹ Journal of the Maryland Senate.

ference, nominating as the Senate conferrees, Matthew Tilghman, Charles Carroll of Carrollton, Brice T.B. Worthington, and John Henry. Thomas Johnson and Samuel Chase were among the seven conferrees selected by the House of Delegates.

Christmas Day, which fell on Monday in 1780, the Senate met, but nothing was done. Charles Carroll had leave of absence for the week, and most of the members were apparently observing the holidays, for it was not until Saturday, the 30th, that any business was transacted. A letter from Benjamin Franklin had been communicated by the Governor, enclosing the protest on the bills drawn by the State on the Bank of England, with the opinion of counsel on the subject. Maryland had, some years before the Revolution, invested twenty-seven thousand pounds in stock of the Bank of England, and it was the action of the trustees of the bank in uniformly protesting the bills of credit drawn upon it by the Maryland Legislature, for the dividends accruing since the commencement of hostilities, that was one of the reasons urged for the confiscation of British property in Maryland.

No doubt this stand taken by the Bank of England had its effect at this time in weakening Charles Carroll's opposition to the Confiscation Act. He sent in a letter to the Senate on the 3d of January, resigning the seat in Congress to which he had been newly elected. While doubtless appreciating the compliment, Charles Carroll had fully decided not to return to Congress. Acts were passed by the Senate for emitting bills of credit, to raise supplies

for the year, and for the defence of the Bay. The bill prohibiting the export of grain continued the embargo until the following August. The "Act to empower the delegates of Maryland in Congress to subscribe and ratify the Articles of Confederation," was read on the 28th of January and put to the vote, but was defeated. Among those who voted for it were Charles Carroll of Carrollton, John Henry, and Thomas Stone.

On the following day, the Confiscation Act passed to its second reading, and a vote was taken, and decided in the affirmative, on the clause that debts due to Osgood Hanbury and Sylvanus Grove, to the amount of two-thirds of the bank stock belonging to Maryland, be taken and confiscated, and applied to satisfy debts due from them, and debts due from James Russell. The single vote against the measure was that of Col. Richard Barnes of "Tudor Hall," St. Mary's County. A message was received from the House expressing their "earnest desire" that Maryland "should confederate," and objecting that the Senate had given no reasons for declining to pass the act empowering the State to ratify the Articles of Confederation. The Senate reconsidered this bill and passed it on the 30th, and it was carried to the House by Charles Carroll of Carrollton with a message referring to the reasons which had influenced the State in delaying the ratification for so long a period. The motive appears in the following paragraph: "It has been generally supposed, and in our opinion upon good grounds, that the claim of this State [?] to a pro-

portionate part of the western country can be better supported under the present form of union, than that of the Confederation.”¹

In regard to the Confiscation Act, the House and Senate were still not in harmony, and amendments made by the Senate did not receive the entire approval of the House. The Senate stood out for their views, agreeing only to waive the amendment respecting debts due to Messrs. Hartbury and Grove. The House returned the bill to the Senate, hoping that a future session would effect an agreement on the points of difference, and the Senate, adopting some of the clauses proposed by the House, “agree to refer the consideration of indemnification of sufferers to a future session,” when they trusted that “the present subjects of dispute may be settled to the general satisfaction.” Charles Carroll of Carrollton carried the bill and the accompanying message to the House of Delegates. In case the State should be invaded, as seemed probable, at this time, it was provided that the Governor should appoint a place for the next meeting of the Assembly. The “Instructions” to the Maryland delegates in Congress were sent from the House to the Senate, the 2d of February. They declare the motives inducing Maryland to accede to the Confederation. One of these was “the want of a permanent indissoluble union,” yet the one they were now entering was to demonstrate a few years later the fallacy and unreasonableness of such expectations. Maryland here reiterated her “objection” to the “exclus-

¹ *Ibid.*

ive claim of some of the States to the western territory as unjust, and injurious to the general welfare,” and she expressed her willingness—a grave mistake—to give up to Spain the “exclusive navigation of the Mississippi.”¹

The second session of the Assembly of 1780-1781 was to have met the 10th of May, but Charles Carroll of Carrollton and three other gentlemen were the only members of the Senate present on that day, and a quorum was not obtained until the 29th. Letters were then read from Lafayette, and from the President of Congress. Lord Cornwallis was in Virginia, and Lafayette was following him up at this time. The Maryland Assembly was busying itself to supply clothes for the Southern army, and the delegates in Congress were instructed to apply for five hundred stand of arms for the Continental troops raised in Maryland.

A conference took place between a committee selected from each House, on the subject of the suspected persons confined in prison since the last meeting of the Assembly, a list of whom had been sent them by the Governor. The Senate conferrees were Charles Carroll, barrister, Charles Carroll of Carrollton, Thomas Stone, and John Henry. Matthew Tilghman was added later. A plan proposed by the House for the “establishment of a new paper currency,” the emitting two thousand pounds in bills of credit, etc., in which there was to be a form of subscription and a form of association, as given below, was not altogether approved of by the Senate:

¹ *Ibid.*

“We promise to become subscribers of the sums affixed to our names, on the scheme for an emission etc.,” and “we engage on our honor to receive at par, from subscribers or associators, the bills of credit of the new proposed emission, rating silver dollars at seven shillings and sixpence, etc.” The Senate dissented to the “Association” proposed, and the House agreed to separate the form of association from that of the subscription.

The bill as amended, “Act for the emission of bills of credit, not exceeding two hundred thousand pounds, on the security of double the value in lands to defray the expenses of the present campaign,” was passed June 23d and sent to the House by Charles Carroll of Carrollton. Other bills going into effect at this time were, one for raising two battalions of militia, and one to encourage the destroying of wolves, these beasts of prey still infesting the more unsettled portions of the State. Charles Carroll of Carrollton probably drew up the bills passed June 26th, the day before the Assembly adjourned, for abrogating and abolishing the forty-fifth Article of the Constitution, and abolishing part of the thirty-seventh Article, as he brought them in, and was appointed to carry them to the House of Delegates.¹ The forty-fifth Article provided “that no field officer of the militia shall be eligible as a Senator, Delegate or member of the Council,” and the closing paragraph of the thirty-seventh Article contained a similar restriction.

According to his usual punctual habits, Charles

¹ *Ibid.*

Carroll was in his seat in the Senate, Monday, November 5th, 1781, the day appointed for the Assembly to meet. But it was not until the 17th that there were a sufficient number of Senators present to organize for the session. General Washington was expected in Annapolis at this time, and the Assembly wished to present him with a vote of thanks for the recent victory at Yorktown. A joint committee was appointed to prepare the resolutions, and the members selected from the Senate were Matthew Tilghman, Thomas Stone, and Charles Carroll of Carrollton, the trio of this body's best writers. Charles Carroll, barrister, of the Senate, and Gen. John Cadwalader and Col. William Fitzhugh of the House of Delegates, were appointed by the Assembly to present the vote of thanks. And Barrister Carroll brought back to the Senate Washington's address in reply.

Charles Carroll of Carrollton had leave of absence, as the journal records, from Thursday the 13th of December until the following Monday, but he was promptly in his place again on the 17th. Little was done in the Senate, however, from this time until after the Christmas holidays. On the 31st, the "Act to prevent the exportation of bread and flour not merchantable, and for other purposes," was passed, and sent to the House by Charles Carroll of Carrollton, who also carried sundry letters from Robert Morris the superintendent of finance. The supply bill and other acts were signed by the Governor on the 8th of January; and on the 18th a conference was proposed to settle the question of certain amend-

ments to the bill for appropriating lands for the use of the Maryland officers and soldiers, and for the sale of vacant lands. The Senate conferees were Thomas Stone, Charles Carroll of Carrollton, and John Smith, and Charles Carroll brought in their report to the Senate the next day.

Thomas Stone, Charles Carroll of Carrollton, and James McHenry were appointed, on the 21st, conferees to meet a committee of the House, on the subject of the bill for appointing an intendant of the revenue. The act to raise recruits was passed on the 22d of January, and sent to the House of Delegates by Charles Carroll of Carrollton, the Assembly adjourning on this day.¹ A motion was made on the second reading of the recruiting bill that the clause applying the property of Lloyd Dulany, in part for that purpose, be struck out, but it was defeated, Charles Carroll of Carrollton voting with the majority. The friends of the old student days, who had drunk together from the silver punch bowl associated with the *Peggy Stewart* in 1774, were now widely asunder, the Dulanys having most of them taken the Tory side during the Revolution.

At the spring session of the Assembly, in 1782, Charles Carroll of Carrollton was present on April 25th, the day appointed, but there was only one other Senator equally punctual. This was Edward Lloyd of "Wye House" in Talbot County. These were joined by George Plater of "Sotterly" and Col. Richard Barnes, both of St. Mary's County, on the 1st of May, but it was not until the

¹ Journal of the Maryland Senate.

10th that the Senate was organized. A message was sent to them from the House of Delegates on the 13th, regarding the measures to be adopted to defend such of the inhabitants as were exposed to plunder by the enemy's barges, the negotiations respecting the land office and the sale of vacant lands, with other matters, and a joint conference was proposed to settle these subjects. Five conferees were appointed by the Senate, Thomas Stone, Robert Goldsborough, Charles Carroll of Carrollton, John Henry, and Richard Barnes.

It was at this time that Sir Guy Carleton was commissioned to endeavor to conclude a peace, or a truce, with the United States, independently of France, but the dignity of the newly erected sovereignties was insulted by the appellation applied to them of "revolted colonies." And they rightly scorned the invitation to desert their French allies. The House of Delegates sent to the Senate the following spirited Resolutions on the subject, which received the ready assent of that body, and went forth to the world as the declaration of the Maryland Assembly.

Resolved unanimously, that it is the opinion of this House that peace with Great Britain and all the world, is an object truly desirable, but that war with all its calamities is to be preferred to national dishonor, and that it is the sentiment of this House, that any negotiation for peace or truce not agreeable to the alliance with France, is inadmissible, that every danger ought to be encountered, every event hazarded, rather than sully our national character, or violate in the least degree our connection

with our great and good ally, and that good faith, gratitude and safety forbid any treaty for peace or truce with Great Britain, but in conjunction with France or with her consent first obtained.

Resolved unanimously, that this House will exert the power of the State to enable Congress to prosecute the war until Great Britain renounce all claim of sovereignty over the United States or any part thereof, and until their Independance be formally or tacitly assured by a treaty with Great Britain, France and the United States which shall terminate the war.”¹

The report of the joint committee appointed May 13th, was made the basis of a bill for the protection of the Bay trade. It was proposed to equip four barges and one galley, and the £2000 needed for this purpose was to be obtained from the sale of confiscated British property. A letter was to be written to the commander of the French marine at Yorktown, asking for a galley, or other vessel, to co-operate with the barges. Concerted action with Virginia was considered highly desirable, and “a gentleman of character and knowledge” was to be sent from the Maryland Assembly to confer with the Assembly and Executive of the Old Dominion. Each of the four barges was to have two pieces of cannon. And in conjunction with Virginia and with the aid of the French, a magazine was to be established at Yorktown and a hospital erected for the sick and wounded. In their letter to the French commander the Assembly say:

¹ *Ibid.*

“The protection and security which this enterprise will give to a very great number of our inhabitants who are kept in perpetual alarms and apprehensions, not only for the safety of their property, but of their persons (being liable to be seized at all hours of the night and carried off into captivity or barbarously murdered) will we are satisfied be a sufficient inducement with you to afford us all the assistance in your power to accomplish the destruction of these free Booters, for they scarcely deserve the dignified appellation of enemy.”¹

Robert Hanson Harrison was appointed the Commissioner to Virginia, with instructions from the Assembly, expressing the earnest desire of Maryland to preserve and improve a strict union between the two governments rounded on their “mutual interest and affection.” It was to be represented and urged that the public councils of the two States ought to harmonize, “and that a frequent communication of sentiments and reciprocation of good offices would greatly tend to cement the friendship which ought to be inviolably preserved between the two Republics and their citizens.” The Commissioner was to request the Legislature of the sister State to direct their laws to be transmitted from time to time to the Maryland Executive, and to inform Virginia that the acts of Maryland would be duly communicated to her.

Charles Carroll of Carrollton’s name appears last in the journal of this session on the afternoon of May 22d. The ayes and noes were not taken again

¹ *Ibid.*

until June 3d, so sometime between these two dates he must have left the Assembly, probably on the 30th of May, the day of his father's sudden death, an affliction which was to be followed eleven days later by the loss of his wife.

The first sorrow which was to come to the statesman's home in these years was the death, in August, 1781, of Mrs. Henry Darnall, his wife's mother and his own first cousin. Of this sad event he writes at the time to his friend Gov. Thomas Sim Lee, acknowledging a letter from the latter, and giving some account of Mrs. Darnall's funeral, which took place at "Doughoregan Manor." The granddaughter of Thomas Sim Lee was to marry the grandson of Charles Carroll of Carrollton, and to become the mother of a more recent Maryland Governor, John Lee Carroll.

August 26th, 1781, DOOHERAGEN.

DEAR SIR:

I am extremely obliged to you for your favor of the 24th and its enclosure. I hope the inflammation in your eyes is gone off, and that you enjoy perfect health.

I am really quite out of spirits. We have just performed the last melancholy office to the remains of poor Mrs. Darnall, who died at Rock Creek the 24th, in the morning. Yesterday I went thither to attend the corpse to this place. She was buried in our chapel this morning. The funeral service was performed by the Rev. J. Carroll who came up with me. This melancholy incident has thrown a great damp on all our spirits, but particularly on those of Mrs. Carroll.

We beg to be kindly remembered to you and Mrs. Lee. Believe me to be with great regard and sincerity,

Your most obedient humble servant,
CH. CARROLL OF CARROLLTON.¹

Mrs. Darnall, his daughter-in-law's mother, is named as a legatee in the will of Charles Carroll, St., which was drawn up in 1780, and she is mentioned as his "cousin" and his "wife's niece." We see that she had lived in the Carroll family for many years, covering the period of the elder Mrs. Carroll's illness and death. Charles Carroll writes in his last testament, that Mrs. Rachel Darnall "always behaved very dutifully to my late wife, her aunt, and in her last sickness was very tender of her and tended her with the greatest care and affection, and has by a long residence with me merited my esteem and affection."²

In 1780 was born the youngest of the seven children of Charles Carroll of Carrollton and Mary Darnall. This was the little Eliza whose short life closed three years later. The other children were an earlier Elizabeth, born in 1769, who died in infancy; Mary, born in 1770; Louisa Rachel, born in 1772, who died young; Charles, the only son, born in 1775; Ann Brooke, born in 1776, who also died in childhood, and Catherine, who was born in 1778. But while the public life of the patriot and lawmaker is spread before us in the annals of the time, we obtain only occasional glimpses of the

¹ Family papers, Dr. Charles Carroll Lee.

² Appendix C.

happy domestic circle which had gathered around him. In June, 1776, we find the Rev. John Carroll writing to his cousin Charles Carroll, Sr., and sending his “love to Polley,” Mary Carroll, then six years old, and, with the stateliness of old-fashioned courtesy, tendering his “respectful compliments” to the child’s mother and grandmother. So Monsieur Pliarne, Mr. Carroll’s amusing French correspondent, in October, 1777, remembers Mrs. Carroll and Mrs. Darnall with “compliments,” and writes: “I kiss a thousand times Mollie, Charlie and Nancy.”

The death of Mrs. Darnall in 1781, as is seen, was but the beginning of the afflictions that were to visit Charles Carroll in his home life at this period. In less than a year later his father and wife had died, to be buried also under the Manor Chapel, and he was to pass half a century of widowhood before rejoining the young wife who had been taken from him in her gracious prime. Writing to a friend July 9th, 1782, he says: “I have had the misfortune to lose my father and wife within a very little time of each other. My father died the 30th of May, suddenly, and my wife on the 10th ultimo, after a short but very painful illness.”¹ Mr. Carroll’s death, it seems, was brought about as the result of a fall from the porch of his house in Annapolis, and to the shock and distress of this casualty is attributed the fatal illness of his daughter-in-law. “The death of Mrs. Carroll was very sad,” writes the author of the Carroll sketches in *Appleton’s Journal*:

¹ Family papers, Rev. Thomas Sim Lee.

“She was devotedly attached to her grandfather [father-in-law]. One day he was standing on the large porch of his house at Annapolis, watching a ship come into the harbor. He stepped back too far, and was picked up dead. Mrs. Carroll, his grandchild [child] by marriage, and his constant companion, never recovered from the shock, nor left the room afterward until death.”¹

The will of Charles Carroll of Annapolis, which was drawn up two years before his death, made his son Charles Carroll of Carrollton his heir, and the “whole and sole executor” of his estate. A moiety of certain of his lands was to go to his nephew and nieces, Charles Carroll of “Carrollsbury,” Mrs. Daniel Carroll of Upper Marlboro’ (or Rock Creek), and Mrs. Ignatius Digges of “Melwood.”²

At the opening of the fall session of the Assembly, November 4th, 1782, Charles Carroll of Carrollton with Edward Lloyd, were again the only Senators present. The grief-stricken husband and son was faithful to the call of public duty, and, as usual, setting an example of promptness to his more dilatory compatriots. Not until the 15th of November was there a Senate formed. Both Houses of the Assembly, at this time, concurred in the determination that measures must be taken to enforce a more punctual attendance of their members. William Paca was elected Governor, and a joint committee was appointed to draw up an address of approbation

¹ *Appleton's Journal*, September, 1874.

² Appendix C.

and thanks to the retiring Executive, Governor Lee. Matthew Tilghman and Charles Carroll of Carrollton were the Senate members of this committee. On the 3d of December, a resolution of the Senate, "that the Governor and Council be requested to apply to Commodore La Ville Brun for such armed vessels as he may judge proper to cooperate with the barges of this State against those of the enemy now in this Bay," was sent to the House of Delegates by Charles Carroll.

The houses and lots, and the household furniture of Sir Robert Eden were now appropriated to the use of the Republican Executive, until the Assembly should otherwise determine. Charles Carroll of Carrollton and Col. Richard Barnes were ordered by the Senate, at this time, "to inquire into the nature of the contract made by the House of Delegates with Mr. Frederick Green to print the Laws of this State." The bill to regulate the militia was passed, with amendments; but when the bill to settle and pay the Civil List came up for a second reading it was defeated, and a committee was appointed to draft a message to the House giving the Senate's objections to the bill. This committee, consisting of Matthew Tilghman, Charles Carroll of Carrollton, John Henry, and Charles Carroll, barrister, said in this message said that as the act might be considered a money bill, the Senate returned it with a negative only, otherwise they might have added amendments. The reasons for their dissent were, first, motives of economy, as they believed the salaries of the Council and others should be lowered, in consideration of

the heavy taxes, which were likely to continue and grow larger; and secondly, because the bill made the judges dependent on the Legislature.

This principle of the independence of the judiciary, they wrote “is essential to the impartial administration of justice,” and “cannot be questioned.” And the Senate reminded the House that it was a principle “recognized by the Declaration of Rights, which says the salaries of chancellor and judges ought to be secured to them during the continuance of their commissions. Their salaries have been hitherto settled annually,” the message continues, “by the Civil List bill, and consequently cannot be said to be secured to them during the continuance of their commissions.” And the committee add that the perplexities and confusion of the times have been the excuses for this irregularity, but now that “a regular and effectual administration of justice hath taken place among us, it is become a duty of the General Assembly to establish permanent salaries.”¹ A resolution of the House of Delegates, read in the Senate on Christmas Day, that a certain sum of money received by General Smallwood, on account of the recruiting service, be applied to the equipping of the barges, was assented to by the Senate, Charles Carroll of Carrollton, however, giving notice that he would enter his protest against it. And on the second reading of the Supply Bill, both Charles Carroll and James McHenry announced that they would enter a “Dissentient.” That of Charles Carroll of Carrollton is as follows:

¹ Journal of the Senate.

Because this bill puts the management and sale of specified articles payable in discharge of a large proportion of the tax, under the direction of the Governor and Council, a board which from its constitution and the variety of business it has to transact, is not so competent as one person to a judicious and economical administration of a complicated revenue.

Because the incompetency of the Governor and Council is not merely presumed but founded on experience since the past mismanagement of the specifics and the waste of them induced the Legislature to commit the charge and sale thereof to the direction of one man, and occasioned the appointment of an Intendant of the Revenue from which the State has already reaped considerable advantages, and from whose continuance in office it would probably derive still greater.

Because it were better to leave the specifics in the hands of the people than to draw them out in payment of unprofitable taxes and store them at places in which to judge from the past, they will be probably left to waste, rot, and be embezzled.

Because, the clause enabling debtors to retain in their hands one sixth of the interest accruing on monies loaned is retrospective, infringing prior contracts, creditors not having it in their option under the present system of law to call in the principal in order to avoid the deduction of interest.

Because, the principle on which this clause in the bill is presumed to be grounded is too fanciful and ideal, inapplicable to most cases and improperly applied to all. The principle goes upon this supposition, that every debtor has realized the money borrowed out of which one sixth of the interest may be discounted in visible, taxable property, and that the sum payable on his assess-

ment may equal, exceed or be less than one sixth of the interest discounted; if equal the creditor in fact and not the person assessed pays the tax. To all cases (and a variety of such may exist) in which the sum payable by the debtor on his assessed property is less than one sixth of the interest retained, the principle is totally inapplicable, for in such cases the debtors may retain more by withholding a sixth of the accrued interest than what they pay in their assessments, and then the creditors not only pay the assessment of debtors, but the latter gain from the former the difference between the sums paid and and excess. Admitting the monies borrowed bearing interest, to be invested in real, visible and taxable property, and the sum paid by the debtor on the valuation of his property to exceed a sixth of the interest withheld from his creditor, still is the principle improperly applied by the clause dissented to. If properly applied all property must be assessed at its real value, for instance a certain proportion valued at one hundred pounds ought not to be worth in reality more than that sum, for it is evident unless lands and other visible, taxable property are justly valued, the reduction of a sixth of the interest must be unjust, being made from a definite portion of property, viz: one hundred and five pounds, a property not ascertained as most others by the discretionary and fallible judgment of an assessor, and daily decreasing in value whilst that of lands hath risen of late years considerably and by many is supposed still to be rising. Thus in virtue of the clause objected to, a piece of land valued at one hundred pounds but really worth two hundred, will pay only twenty-five shillings, and the owner who may have borrowed one hundred pounds is empowered to deduct twenty shillings from one hundred and five pounds.

Because this clause is a tack to a money bill not imme-

diately relating and necessary for, the imposing, assessing, levying or applying the taxes to be raised for the current expenses of the year, but contains matter totally distinct from the nature and essence of a money bill as defined by the form of government, viz: an impolitic reduction of interest from six to five per cent., which if continued will operate as a discouragement to private and public credit and force the monied men to draw their capitals out of the hands of the citizens of this State to place them in other countries in which they will not be subjected to such reductions.

Because the menacing yet ridiculous and illegal provision in the latter part of the clause will operate only on the timid and ignorant, and is in reality an acknowledgment of its impropriety and discovers the strongest apprehension that what is unjust and indeed absurd will be disregarded by the more informed.

CHARLES CARROLL OF CARROLLTON.¹

General Rochambeau was in Annapolis early in January, 1783, and the Assembly voted an address of thanks to him, and an entertainment at the public expense, in his honor. The address was to be presented by a joint committee of both Houses, the Senators selected being Charles Carroll of Carrollton, Charles Carroll, barrister, and Edward Lloyd. The Militia Bill afforded a point of dispute between the two Houses at this session, and the Senate would seem to have held the proper view. They wished to exempt from militia duty the Executive and Council, the members of Assembly, and the higher officers of the judiciary, “on the principle that no set of

¹ *Ibid.*

men in the State should be unequally burdened” while the House urged that these persons were “of the first characters and fortunes, and ought to set examples to the people, and show them that no duty, however hard or inconvenient, will be required of them but what all ranks of men are subjected to.” When the bill for the defence of the State from the enemy’s cruisers was passed with amendments from the Senate, January 9th, Charles Carroll of Carrollton and one other Senator only, voted in the negative. The House returning this bill and refusing to take the amendments into consideration, Charles Carroll of Carrollton and Charles Carroll, barrister, were ordered to prepare a message for the House.

GENTLEMEN,

If you are clearly of opinion that the bill for the defence of the State from the enemy’s barges and cruisers is a money bill, we are not less certain that several matters, clauses and things, are annexed to and blended with this bill, not immediately relating to, and necessary for, the imposing, levying or applying the money intended to be raised by it.

The clauses repealing the act imposing certain duties for the purpose of sinking the bills of credit therein mentioned, and establishing a court for the trial of officers, marines and mariners, for breach of any of the articles established for the government of the navy of the United States, and for trying the captains of the barges *Fearnought*, *Terrible* and *Defence*, we conceive do not relate, or are requisite for the imposing, assessing, levying or applying of money.

The first clause ascertaining the naval force to be

equipped, is also, in our opinion, unconstitutionally blended with those parts of the bill which properly make it a money bill. To raise money for the purpose of equipping armed vessels, and to ascertain what their number and force shall be, are things in themselves totally distinct. We might agree that it would be proper to raise a certain sum of money to defend the trade and coasts of our bay, and yet, possibly we might differ about the extensiveness and force of the intended armament. If these distinct matters are cast into separate bills, we may then offer amendments; for instance, we could amend a bill ascertaining the number and force of the vessels to be equipped, and might, in a message support our amendments with such reasons as might possibly gain your assent; but if the clause ascertaining the armed force remains connected with a money bill, we are by the Constitution precluded from making amendments, and from freely exercising our judgments as to the quantum of the force proposed to be employed. To exercise our judgments freely and fully upon so material a point, and upon others, we are compelled to have recourse to our privilege and right of insisting on a separation of every clause, matter and thing, not immediately relating and essentially requisite, to a money bill. Believing that you would not designedly violate the Constitution, in making tacks to a money bill, to prevent a full and free discussion of objects so important, and being satisfied that there are several matters in the bill, which by no torture of criticism can be construed into the necessary appendages of a money bill, we presumed you were into waive on this occasion your privilege, and permit us to offer such amendments as we might judge in a public, parliamentary way, a way more consistent with the independence of the Senate and the

spirit of our Constitution than those private negotiations which have sometimes heretofore taken place, and most commonly to very little purpose.

We therefore insist on your separating the clauses we have pointed out from those parts of the bill imposing, assessing, levying and applying the monies to be raised by it, and we therefore have returned you the bill with a negative.¹

There was again a difference of opinion as to the *per diem* allowance for members of the Assembly. The House wanted twenty-one shillings, the Senate, more economical, advocated fifteen, and the bill as finally passed gave the members seventeen shillings and five pence a day, a compromise which was opposed in the Senate by Matthew Tilghman, and the two Carrolls. January 12th, a resolution of the House of Delegates directing the Treasurer to receive the bills of credit, called red money, in payment of British property and in discharge of the county assessment, was negatived by an almost unanimous vote, Charles Carroll of Carrollton preparing the Senate's message with which it was returned. This was as follows:

“Gentlemen, we have rejected your Resolve of the 11th instant... directing the Treasurer of the Western Shore to receive the bills of credit not exceeding 200,000 pounds, on the security of double the value in lands, to defray the expences of the present campaign, because it is improper to repeal a law by a Resolve, resolves not having the same public notoriety, force and efficacy as

¹ *Ibid.*

laws. We will give our assent to a bill for directing the Treasurer of the Western Shore to receive at par the aforesaid bills of credit, in payment of confiscated British property sold for the redemption thereof, provided that the said bills of credit be also directed by the act to be received at par in payment of county assessments.”

The Senate having at length, not to delay the session longer, assented to the bill for the defence of the Bay, though disapproving of some of its clauses, Charles Carroll of Carrollton entered his protest against it as follows:

“DISSENTIENT; *Because* the sum appropriated by the bill to the equipment of the naval force, designed for the protection of the trade, and the inhabitants living near shores of the Bay, amounts to a much larger proportion of the public revenue than ought to be appropriated to that particular purpose.

“*Because*, the intended armament exceeds our ability, and the sum allotted will not complete and maintain for the time limited, the vessels purposed to be fitted out and their crews, and consequently they will not be able to give that protection and security which a lesser force, more proportioned to our means and better equipped might afford.

“CHARLES CARROLL OF CARROLLTON.”¹

The Civil List Bill did not at all meet with the approval of the Senate, as they thought the salaries of officers should be more moderate. So they declared to the House that they adhered to their views, and only assented to the bill, because the civil offi-

¹ *Ibid.*

cers could not be left unprovided for, and it was important not to prolong the session any further. The bill to raise supplies for the current year was carried to the House by Charles Carroll of Carrollton, on the 15th of January, accompanied by an address to General Greene on his victories, and the Assembly then adjourned.¹

In the spring of 1783, Annapolis was gayer than usual at this season, for in addition to the races, there was the presence of the Continental Congress in the little town, and the crowd of visitors this assemblage attracted, among whom were many of the French officers. It was the year in which peace was declared, and Annapolis had a part in the general rejoicing at this event. And it was on the Carroll grounds, "Carroll's Green," the festivities took place. "To-morrow," wrote Mrs. Walter Dulany, April 23d, to her son in England, "we celebrate Peace. I hear there is to be a grand dinner on Squire Carroll's Point, a whole ox to be roasted and I can't tell how many sheep and calves besides a world of other things. Liquor in proportion. The whole to conclude with illuminations and squibs."²

The spring session of the Assembly was to have met the 21st of April, but the only Senator who made his appearance on that day was Charles Carroll of Carrollton. A Senate was formed early in May, and the Articles of Peace were first taken up

¹ *Ibid.*

² "One Hundred Years Ago—The Life and Times of the Rev. Walter Dulany Addison," 1769-1848, p. 67. By Elizabeth Hesselius Murray, Philadelphia, 1895.

for consideration. Then came the adjustment of the affairs of government on the footing of established independence. "After a long and dreadful war," said the Council in a message to the Senate, they must turn their attention to the public creditors, to the demands of the government, the revision of the criminal law, commercial improvements, and the advancement of religion. "The Bill of Rights and Form of Government," they assert, "recognize the principle of public support for the ministers of the gospel and ascertain the mode." The death of Charles Carroll, barrister, took place at this time. This gentleman left no children, and his estate went by will to Nicholas and James Maccubbin, the sons of his only sister, on the condition that they took surname of Carroll.

Owing to the indisposition of Matthew Tilghman, President of the Senate, no business was done on the 22d of May, and the following day Charles Carroll of Carrollton was elected President in the place Mr. Tilghman. The Assembly made arrangements for the accommodation of Congress, giving them "the stadthouse and public circle," with the Governor's house for the use of the President, and thirteen dwelling-houses with other buildings "for the residence of the delegates of each of the thirteen Confederate States." An important public paper of Charles Carroll belongs to this session of Senate, his protest against the bill "concerning the admission and qualification of solicitors and attorneys." It is a significant testimony to his fearlessness, liberality, and wise statesmanship on questions

connected with the recent war. A manuscript draft is preserved of this paper, serving to correct errors in the printed copy.

DISSENTIENT, *Because* the clause in the bill empowering the judges of the courts of law and equity to suspend, remove or strike out of the roll of attorneys persons already admitted or hereafter to be admitted as attorneys, for supposed, not proved, disaffection to the government of this State, is a violation of the public faith, unnecessary and impolitic. This clause violates the public faith, by depriving, for one and the same offence, a few individuals (for few only in reality will be affected by the clause) of those rights and privileges, which they had forfeited for nonconformity to one act, and had purchased and regained under another. A small attention to the act for the better security of government, and the supplementary act for procuring an extra supply of provisions for the Continental army, passed at June session, 1780, will evince this violation of law and justice. By the former act nonjurors are rendered incapable of practising the law; by the latter, this disability is taken off, upon certain conditions to be performed by them; on performance, they are placed on the same footing of other subjects, with respect to the practice of the law; no arbitrary and discretionary power was vested in the judges, before the passage of this bill, to remove or suspend practising attorneys, for the vague and indeterminate offence, *disaffection to government*. The only evidence which the law heretofore required of attachment to the Constitution and form of government of this State, was the taking the oath of support and fidelity thereto. Persons, who had refused or neglected to take that oath, on or before a particular day, are left at liberty, by the sup-

plementary act just mentioned, to take the oath at *any time*, and even without taking it, they are restored to all the privileges of citizens, save such as are expressly excepted by that act. To destroy this conclusion, drawn from the above-mentioned laws, it will be incumbent on the patronizers of this bill to show, that the judges have, without it, a discretionary power of removing or suspending practising attorneys for disaffection to the government, although they may have taken the oath of support and fidelity to it. If the judges have this pre-existing power, where is the necessity of this clause, and of the amendment made to it by the Senate, pointedly providing, that the taking of the oath, after the preliminaries of peace, shall not be considered by the judges *in itself* as sufficient attachment to the government? The very amendment proves the inference, that the judges had no such power under any former act, and that they were bound to admit the taking the oath of support and fidelity to the State, by the qualifying attorney, as the only proof of his attachment to the government by law required. The few instances which have lately occurred also prove, that the judges of the general court acted under this impression and construction of the laws, by certain nonjurors to qualify as attorneys, not conceiving themselves at liberty to exclude them from in the courts of justice, on account of reputed disaffection to the government, nor foreseeing that a future act, in derogation of the subsisting law of the land, would direct them not to consider such oath in itself *as sufficient evidence* of attachment to the State. It is presumed, indeed, that had the judges been indued with such foresight, their integrity, and a proper sense of character, would not have suffered them to have trifled with their oaths, to accommodate their conduct to the

resentment of individuals, or the views of particular men, not acting under the obligation of an oath.

The clause in question not only violates the public faith and justice, but is an unnecessary and wanton violation of both; an examination of the arguments which were urged in support of this particular clause will discover the truth of the position. The danger to the State from permitting a few nonjurors to qualify as attorneys, and practice in the courts of law and equity, was much insisted on; that there are but few, very few, has been already noticed, who will or can be affected by the clause; and that these few are incapacitated from voting at elections, and holding any office of trust and profit, must be known to all. From whence then is this mighty danger to arise? In what does its reality consist? How is it to operate, and on what objects? These discoveries remain yet to be made. To justify a breach of law and national compact between the State and its subjects, the necessity of that breach must be self-evident, palpable, and felt by all. Will it, can it be pretended, that the remote and ideal dangers apprehended from the admission to, and continuance in, the practice of the law, of the persons alluded to, constitute such a necessity? The assertion is too absurd to gain belief, even with the most timid, the most inveterate, or the most deluded. If the objectionable clause violates law and justice, and is unnecessary, on what principles can its policy be supported? Is it good policy to perpetuate parties and odious distinctions in the State? To extinguish factions, and to allay and heal their animosities, to unite all ranks of citizens in the pursuit of one common good, has been ever inculcated by wise statesmen. On this point can a *real* difference of sentiment subsist? Can it be denied, that the clause has a tendency to keep alive party distinctions and ani-

mosity? These are the apparent and obvious consequences of the bill; more secret, dark and insidious, are to be apprehended. A monopoly in the practice of law may be as fatal to the State as any other monopoly. Combinations among monopolisers are frequent, and always pernicious. Admit a combination should be formed between the present practitioners of the law, not to bring suits for the recovery of British debts; would not such a combination terminate in an actual contravention of the Treaty of Peace? Have not such combinations been publicly mentioned? And does not the general scope of the bill give room to suspect, that it is calculated to countenance such unwarrantable practices? From this source may be traced the real, though not the avowed, motive of excluding from the exercise of their profession the nonjuring and resident attorneys; hence sprung the departure from the principles of the naturalization act, which requires no previous residence in the State, as a qualification of the persons naturalized, to become attorneys or solicitors in the courts of law and equity within this State. Why all this distrust, this dread of and caution against admitting to practice as attorneys, such residents as had not taken the oath of support and fidelity before the signing of the Preliminary Articles of the Peace? Why is two years residence now required of foreigners naturalized, who by the act of naturalization, passed in the very heat of war, might have qualified as attorneys, immediately on taking the oath prescribed by that act? Is greater danger now to be apprehended from emissaries, after the acknowledgment of the independence of these States, than before that event? How can so much distrust and jealousy of that power be reconciled with the full security resulting from a glorious and the perfect establishment of independence?

Men who are not blinded by their resentments, or influenced by interest, will readily perceive and attribute those pretended fears to the true cause, a desire of procrastinating, or totally eluding, the payment of British debts. This bill is levelled at British creditors, not at a British interest, or British emissaries, as suggested in the debate upon it.

CHARLES CARROLL OF CARROLLTON,
President of the Senate.¹

¹ Journal of the Senate; MS: owned by Hon. John Lee Carroll.

CHAPTER III.

MARYLAND AFTER THE PEACE.

1783–1787.

THE affairs of the Baltimore Iron Works were in no very prosperous condition at the close of Revolution, and the manager, Clement Brooke, a relative of Charles Carroll of Carrollton, had several measures to propose for their advancement. He wrote them from the “Baltimore Furnace,” August 7, 1783, to the gentlemen of the Company, suggesting that they should keep a store of bar iron in “Baltimore town,” and put a capable person in charge of it, so that sufficient might be sold to support the works and pay the taxes. They wanted also more good hands “to force on the works to the best advantage,” and the manager added: “Mr. Carter owes one negro woman, the estate of Mr. Carroll of Duddington three women and five men, the State of Maryland five men and two women.” He complained that the negroes supplied were not capable of doing their tasks: “Three negro men sent by Mr. Carter last fall are all unfit hands... a lad sent in by Mr. Carroll, barrister, in June, 1782, [is] very unfit

for the business,” and so on. Then “a young negro fellow bought for Mr. Carroll of Carrollton put in last March soon made his escape and is not found yet.” Charles Carroll of Carrollton in forwarding Clement Brooke’s letter to the other gentlemen of the Company proposed a meeting for the 27th of October.

DOEHERAGEN, 11th August, 1783.

GENTLEMEN: The several matters mentioned in the above letter, are of such importance as to claim the immediate and serious attention of the Company. It is my opinion, that some trusty person in Baltimore town ought to be immediately employed by the Company to sell from them, on commission, as much bar iron as will enable the clerks to lay in provisions, pay hirelings, other incidental charges and taxes, and that Mr. Brooke should be authorised (as I do on my behalf hereby authorize him) to employ some such person, and to agree with him about the commission. The loss which the Company sustains by bartering away their bar-iron for provisions and in paying hirelings must be considerable. Hirelings are generally necessitous, and to purchase liquor and clothing sell the iron which they get of the Company to the merchants in town at an under value.

To send to the Works unserviceable negroes, is only increasing expence without the prospect of a benefit, and injuring those who put in good slaves. The cripple, unhealthy, and infirm negroes which have been sent to the Works within these two or three years past, ought to be taken back by the persons who put them in, and good negroes, such as Mr. Brooke describes, sent in their places. If the partners had heretofore put in such there would not now be wanting sixteen hands to carry on the

works. A meeting of the Company appears to me to be absolutely necessary, and therefore I propose one to be held at the Furnace the 27th of next October.

The Works, if carried on with spirit, and managed to the greatest advantage, might certainly be made very profitable; at present they hardly clear themselves. How to improve so improvable an estate, is the object of the proposed meeting. I am, Gentlemen,

Your most humble Servant

CH. CARROLL OF CARROLLTON.¹

On the 3d of November, 1783, Charles Carroll appeared in his seat in the Senate, with only two other members present. He attended from day to day until the 13th, when there being as yet no quorum, he seems, for some reason, to have left town, when the Senate was finally organized on the he was still absent, and Daniel Carroll was elected President in his place. Two days later he returned, and was immediately put upon a committee confer with a House committee on an apprehended disturbance in Annapolis. A bill was to empower the Governor to call out the to suppress insurrections and quiet disturbances. The "Act concerning the stock of the of England" was the next important matter Samuel Chase had been appointed an at the close of the war, to go to England and the amount of dividends that had accumulated from the twenty-seven thousand pounds that been deposited in the Bank of England by and to sell the stock. A letter from Mr.

¹ Carter Papers, owned by Chas. P. Keith.

Chase, with other papers on this subject, read in the Senate, November 28th, were carried to the House by Charles Carroll of Carrollton. A bill relating to civil causes depending in the General Court for the Western Shore, was brought in by Charles Carroll, December 1st, and was doubtless drafted by him.

The Chevalier d' Annemours, Consul-General of France in Virginia, Maryland, the Carolinas, and Georgia, was in Annapolis at this session of the Assembly, and a joint committee of both Houses was appointed to confer with him on the business of his office in connection with Maryland. The Senate members of this committee were George Plater and Charles Carroll of Carrollton. The committee's report, brought in ten days later arranged as to the imposition of duties, and proposed that "Chambers of Commerce" be established for the speedy decision of controversies. A joint committee of five from the Senate and seven from the House, who were to take into consideration a letter from the Maryland delegates in Congress, included Charles Carroll of Carrollton. On the 19th of December a joint committee was appointed to provide a house for General Washington, and to prepare an address to him. Charles Carroll was one of the five Senators selected for this committee. The address to General Washington, expressing the Assembly's grateful sense of his "distinguished services" was brought in by John Henry, and he and Charles Carroll were the Senators appointed to join with the delegation from the House who were to present the address.¹

¹ *Journal of the Maryland Senate.*

In the State House at Annapolis today where the historic event of the resignation of Washington took place, the portrait of Charles Carroll of Carrollton looks down from the walls, with those of William Paca and Samuel Chase, and a large canvas hangs between them conveying to later generations the representation of the scene in Congress, as it transpired in this identical spot, at the hour of noon, December 23, 1783.

The bill "laying a duty on British vessels and for other purposes," was committed for amendment to John Henry, Charles Carroll, and John Smith. On the 23d of December, Daniel Carroll, the President of the Senate, was indisposed, and it was necessary to elect someone in his place. Col. Richard Barnes was the Senate's first choice, but on his declining the honor Charles Carroll of Carrollton was elected President for the second time. It seems that the two friends Stone and Carroll were opposed on the subject of the bill for the admission and qualification of solicitors and attorneys. And on the 25th of December, Christmas Day, the Assembly being in session on the holiday, Charles Carroll of Carrollton as President was called on to lay before the Senate a letter enclosing an answer of Thomas Stone to Carroll's "Dissentient" filed at the last session. These were both read, and a motion to refer them to the next session was negatived. A motion was then carried that "no counter protest be entered on the records of the Senate."

Resolutions of the House were afterwards read respecting purchasers of confiscated British prop-

erty. These were assented to with the following amendments: “*Provided* that the interest due on the purchase money shall be paid on or before the 1st of March next, *Provided* also, that all persons who were purchasers of any of the property sold as aforesaid, having certificates, shall have the interest due on the said certificates set off against the interest due to the State, to the amount of the interest on such certificates.” Of the eight Senators present, seven voted in favor of this last proviso. The one negative vote was cast by the President, Charles Carroll of Carrollton. The House sustained the President of the Senate by assenting to the first amendment, but adding that they could not adopt the second, “with respect to allowing the interest due on certificates to be set off against the interest due to the State.” They considered “the injustice in this case to be equal to that which would ensue from a general admission of the payment of all kinds of certificates in discharge of the purchases of British property.” The reply of the Senate to this message, which was agreed to by all except Charles Carroll of Carrollton and Edward Lloyd, declared that “the principle of the amendment... went to receiving all debts due the State by any of its citizens, in discharge of all debts due by the State to its citizens,” and they had not supposed it was the intention of the House “to establish a preference between a soldier’s, officer’s, or citizen’s evidence, or certificate of a debt.”¹

¹ *Ibid.*

The Legislature of Maryland passed an act at this session incorporating Samuel Hughes, William Augustine Washington, Henry Lee, Charles Carroll of Carrollton and others, under the name of “the Proprietors of the Susquehanna Canal,” for the purpose of “making the river Susquehanna navigable from the line of this State to tide-water.” The Company were to meet, February 3, 1784, at Havre de Grace, to elect officers, and they were to cut a canal at Love Island, continuing the same to tide-water in Susquehanna River.¹

The Assembly now began to have but one session a year, as there were no extra calls on them from 1783 to 1787, when a second session was required for the business of the Federal Convention. On the 1st of November, 1784, Thomas Stone was the one punctual Senator, when the Assembly met, and until the 4th he was the only one who made his appearance, Charles Carroll of Carrollton joining him on that day. It was not until the 24th, however, that a quorum was formed. Charles Carroll then resigned his office of President of the Senate, and Plater was elected. The new Governor of Maryland, elected at this time, was William Paca. Charles Willson Peale’s portrait of Washington, which had been ordered by the Assembly in 1781, finished, and hung up in the Senate Chamber in 1784.

An address was to be prepared by a joint committee of both Houses, to be presented to General Lafayette and John Henry, Charles Carroll of Car-

¹ Laws of Maryland, 1783.

rollton, and Daniel Carroll were the Senators appointed for this purpose, while Charles Carroll was the Senator selected to unite with the delegation from the House who were to present the address. There was a conference of the two Houses to consider the proposed alteration in the 8th Article of the Confederation, making the number of inhabitants, under certain modifications, the measure of the contribution of each State, and Charles Carroll of Carrollton was one of the Senate conferrees.

The scheme for opening and extending the navigation of the Potomac occupied the attention of the Assembly at this session, and members of each House were appointed to confer with commissioners from Virginia, on this subject. The Senators nominated were Thomas Stone, Samuel Hughes, and Charles Carroll. The conference took place at Annapolis, the 22d of December, and Generals Washington and Gates represented Virginia's interests, Washington being chairman of the meeting. Resolutions were adopted, to be submitted to the Legislatures of Virginia and Maryland, which resulted in the act passed some days later, establishing anew the Potomac Company, which had been suffered to languish during the Revolution. General Washington was chosen President of the Potomac Company, and Virginia and Maryland each were to subscribe for fifty shares of its stock. A road was to be built forty miles in length, from the headwaters of the Potomac to those of the Ohio and the two States were to direct a survey of this route.¹

¹ Pickell's "History of the Potomac Company," pp. 44, 64.

A committee from both Houses was appointed on the 31st of December, to confer on several matters of importance, notably, the most effectual means of carrying into effect the act of Congress imposing the duty of five per cent., and the acts for the appointment of delegates to regulate the trade of the United States, and the proper powers to be vested in them.

The following protest was made by Charles Carroll of Carrollton, January 13th, against the “Act to establish funds to secure the payment of the State debt within Six years, and for the punctual payment of the annual interest thereon”:

“Dissentient: Because the credit of five years allowed to the purchasers of confiscated British property is too long, considering the indulgence which hath been already given, and the facility of paying afforded them by the bill, in permitting all kind of certificates to be received as specie in payment of their purchases.

Because the suffering without good cause so large a part of the principal of the State debt to remain unpaid for five years, is sacrificing unreasonably the interest of the creditors of the State to the convenience and ease of its debtors, and exhibits an awkward and bungling scheme of finance, by protracting unnecessarily the receipt of interest from the debtors, and the payment of interest to its creditors, both which operations might cease two years sooner on the extinguishment of the principle of the debt, or in proportion to that extinguishment.

Because good policy requires, that a State should not defer to a longer period the payment of its debts, when they might without oppression be cancelled in a shorter.

Because no reason has been assigned for allowing five years credit to the purchasers aforesaid, other than the mere will of the House of Delegates, the dictates of which, if unsupported by argument, ought not to induce the Senate, contrary to their judgment, to assent to a bill, partial in its operations and injurious in its consequences, especially as the strongest presumption arises, that when no good reasons are adduced in support of a favorite measure, the promoters of it are actuated by motives improper to be avowed.

CHARLES CARROLL OF CARROLLTON.”¹

Intimately connected with the project of opening and extending the navigation of the Potomac River, were the questions still unadjusted, of the jurisdiction of this river and the Pocomoke, the boundary streams between Maryland and Virginia, and the jurisdiction of Chesapeake Bay, with the regulation of tolls, etc. Four Commissioners were appointed by the Maryland Assembly, at this session, to meet Commissioners from Virginia and draw up regulations for these purposes. The instructions of the Marylanders were to be prepared by a joint committee of both Houses, and the Senators selected to draft them were Charles Carroll of Carrollton, Daniel Carroll and George Gale. The Commissioners named were Thomas Johnson, Thomas Stone, Samuel Chase, and Daniel of St. Thomas Jenifer, and they were to meet such Commissioners as Virginia should appoint, at Alexandria, on the 21st of March next, or at any other time and place more

¹ *Journal of the Maryland Senate.*

convenient to the Virginians. This Commission or Convention met at Alexandria, Virginia, and adjourned to "Mount Vernon"; and there the commercial compact was consummated between Maryland and Virginia, which was the first step in the process that led to the Convention of 1787, with the resulting changes in the character of the union between the Thirteen States effected by the Federal Constitution.

Thomas Stone, not satisfied with the verdict of the preceding session on the rejection of his answer to Charles Carroll's "Dissentient," brought the matter up again at this time. Having explained that he had been called from the Senate at its spring session of 1783, by urgent business, before he could do more than give notice of his intention to protest, and been disabled by sickness from attending the fall session, his plea was allowed, and his "Answer to the Protest of the Hon. Charles Carroll of Carrollton" was entered on the Senate records. It takes up five and a half of the journal's quarto pages. It was then agreed that Charles Carroll should have the privilege of making a reply.

While thus divided in opinion with his former ally, Thomas Stone, Charles Carroll saw himself forced to take up a position of antagonism to another early political friend and colleague, Samuel Chase. This was in connection with the latter's agency in England to adjust the controversy over the bank stock. Letters from Chase were read in the Senate on the 30th of November, and referred to the House, Charles Carroll being appointed to carry

them there. A few days later a resolution came from the House of Delegates testifying their approval of the conduct of the State's agent. But when, on the 14th of September, the Senate voted to concur in this resolution, there were two dissenting voices heard, those of Charles Carroll of Carrollton, and Edward Lloyd. Mr. Chase then appeared in the Senate, and answered questions that were put to him respecting the bank stock. On the 30th of December there was a conference between the two Houses on the act of Assembly concerning the Bank of England, and the most eligible plan for recovering the stock, and Thomas Stone, Charles Carroll of Carrollton, Daniel Carroll and William Hindman were the Senate conferrees. The resolution respecting Samuel Chase was finally made the order of the day for January 14th, but it was then postponed, and a message was sent to the House, Charles Carroll, Daniel Carroll, and Edward Lloyd voting against it. The message said:

“Gentlemen, ... We will agree to a resolve to advance to Mr. Chase the sum of £500 on account of the bank stock, to be applied to the payment of the agent's commission, if the bank stock or part of it is received; and if no part of the bank stock is received upon which the agent is to draw a commission, then to be accounted for.”

The two Carrolls and Edward Lloyd gave notice that they would protest against this message. When the order of the day was resumed, the resolution approving of Samuel Chase's agency was read

a second time and dissented to. The resolution to advance five hundred pounds to Mr. Chase was determined in the negative, by a majority of one, Charles Carroll, of course, opposing it. The protest against the message of the 14th was read in the Senate, January 17th.

Dissentient, Because the message holds up an opinion that the agency of Mr. Chase is still in continuance, and that he is entitled to draw a commission of four per cent. on the bank stock, whenever it shall be received; an opinion we conceive to be erroneous, as we apprehend the law not to be now in force, under which he was appointed and commissioned, that law being of a temporary nature, and confined to objects not now attainable, without a communication of new and more ample powers.

The only powers given to the late agent, by the act of April session 1783, are reducible to these: A power to call on the former trustees of the bank stock to surrender up to him their trust, and to render an account of the faithful execution thereof, to transfer and assign to the agent, or his assigns, the whole of the bank stock, and to account for and pay unto him any dividends, not invested in stock, and on payment, or receipt, to pay the trustees their commission and give them a discharge or acquittance. These were the principal objects of the law; the other powers, thereby imparted, viz., to sell the bank stock, to place the money in a banker's hands, and to pay certain bills of exchange, were entirely dependent on the agent's receiving a transfer of the bank stock, and without such transfer being made to him, could not be executed.

The usual words in conferring a power to sue, are not

to be met with in the act; and the omission of them is accounted for by the agent, who has admitted, that neither the Legislature, or he himself, who was a member of it, who probably drew, or took a principal part in drawing the bill, had in view at the time the propriety or necessity of suing the trustees, or foresaw that a suit would be instituted by any one of them against the agent.

From the omission in the act of the usual words, *demand, sue and recover*, and from the intention of the Legislature, as admitted by the agent, we infer that no authority was given to him by the act to sue the trustees, to obtain a transfer of the bank stock. If then the agent had no authority to sue, a naked power only was imparted to him, to call on the trustees to surrender up their trust, and transfer to him the bank stock; this he repeatedly required one of the trustees to perform, and his request was as often evaded, or denied by that trustee.

No power of compromising, or of suing, having been entrusted to the agent, it should seem, that when a transfer of the bank stock had been refused, except upon conditions, which he was not authorised to accept, the object of his commission was at an end. It may indeed, and has been contended, that the agent might return again to London and make another application for a transfer of the bank stock, and on payment give a discharge, and that therefore the act, under which he was appointed, is still in force.

Every construction given to an act of the Legislature ought to be reasonable; is the construction contended for, to prove the act to be in force, a reasonable one? Would the agent act rationally in returning to London to apply again for a transfer of the stock, without com-

petent powers to enforce the application? Could the General Assembly reasonably require him to undertake a second voyage on so fruitless an errand?

The agent having exceeded his power in filing a bill in the English Court of Chancery against the trustees, and other claimants of the stock, to obtain a partial transfer of it, and being disappointed in the expectation, that a partial transfer, at least, would be decreed by the Chancellor to be made to him, considered his agency as closed, and has pointedly delivered this sentiment in his letter from London to the Governor, of the 14th of August last in these words: "Enclosed is a copy of my letter to Mr. Pitt, and of my instructions to my solicitors respecting their management of my suit against the trustees and other claimants of the stock, until *they receive the directions of the General Assembly*. Having *thus concluded my agency*, I shall leave this city on Monday next for Deal, where I shall immediately embark for Annapolis."

If the law in question hath expired, and to recover the bank stock, it should be necessary to appoint, by a new law, another agent, or reappoint the same person, with more ample powers, the quantum of the commission to be allowed such agent, would of course come under the consideration of the Legislature, and the Senate might then exercise its judgment in fixing the rate of such commission, which it will be precluded from doing, as matters are now conducted. Admitting the agent's commission, still to be in force, the advance of money is improper; the agent having voluntarily undertaken the agency, knowing that the Governor and the Council were empowered to allow a commission, not exceeding four per cent on the net sum to be received by him in full satisfaction for his trouble, and that no expenses were to

be defrayed by the State, in case the bank stock could not be obtained, and being apprised that the Governor and the Council gave him the full commission in consideration of the risk, and the expenses he might be subjected to in the execution of his trust.

CHARLES CARROLL OF CARROLLTON,
DANIEL CARROLL,
EDWARD LOYD.¹

The Non-Juror's Bill, or the "act to repeal part of an act for the better security of government," divided the House and Senate at this session. The bill was to remove the disability of non-jurors, and while the House favored it the Senate refused to pass it. Charles Carroll of Carrollton was the only member who voted in the affirmative on its second reading. The act was in line with the liberal policy he had always advocated in regard to the Tories, and he did not hesitate to stand alone, among his colleagues in the Senate, in support of it. When the bill was returned to the House, the latter responded, that they were not able to conjecture the reasons that influenced the Upper Chamber in its low non-jurors to hold office and vote at elections, from principles both of humanity and policy, but would recede from the first-mentioned provision if the Senate would consent to the second. A committee of three, including Thomas Stone and Daniel Carroll, was appointed by the Senate to answer this message. When the reply was prepared and put to the vote, Charles Carroll was again the single mem-

¹ *Ibid.*

ber voting against the majority. The message, which was two pages long, said, in part: "We can see no benefit at present to be derived to the prosperity of the State, from adopting ideas which you are pleased to call *humane*, but apprehending circumstances may take place, in which the pernicious effects of your ill-judged tenderness would soon appear, we cannot coincide with you in the proposed display of liberality."

The British occupation of the western posts, the Senate argued, was a menace to the United States, and the Tories should not expect exemption from their political disabilities while this was the condition of affairs: "When the Treaty of Peace is fully executed, the Federal Government strengthened, and we shall receive satisfactory proof of the attachment of the non-jurors to our Constitution," then, added the Senate, we will pass the bill. The House replied to this in a long message. "As Your Honors," they said, "stated the reasons which influenced your conduct, without any expectation that they would have any weight with us, you cannot be offended with our assuring you, that your opinion was well-founded; and we are inclined to believe, that your reasons were calculated rather to alarm the pride and passions of our constituents, than convince their judgment." A tart and sarcastic rejoinder went in return from the Senate, January 22d, approved of by all the members except Charles Carroll of Carrollton. They made the most of an alleged error of the House, as to a portion of the bill which they wished repealed, being void already:

“Gentlemen, Having been much instructed by the matter, and duly impressed with gratitude for the manner of your very polite answer to our message of the 19th of this month, we cannot refrain from congratulating you upon the happy discovery made yesterday, that the very part of the act referred to is void, which but a few days before you pressed for a repeal of with much seeming earnestness.... However this matter ends, great credit must be allowed you for your humanity, liberality and wisdom, but above all, for the great and generous mind you discover in shifting your position with so much facility, after the first attempt to accomplish your very laudable views has not met with merited success, owing to the opinion of this House, unhappily dictated by the extremity of folly.”¹

The English of this paragraph of the Senate’s message is certainly far removed in style from that to be found in the messages penned by Charles Carroll of Carrollton.

The session of the Assembly which opened in November, 1785, was a long one, extending to the 12th of March, 1786. As usual, Charles Carroll was promptly in his seat, but he was obliged to wait ten days, from the 7th to the 17th, before a quorum was obtained. General Smallwood was elected Governor. And among the subjects occupying the attention of the Senate was the measure so strongly advocated by Charles Carroll at a previous session, the provision of permanent salaries for the members of the Judiciary. Daniel Carroll, Thomas Stone, and Charles Carroll of Carrollton were appointed a

¹ *Ibid.*

committee to prepare a message to the House, saying that the Senate deemed it the duty of the Legislature to pass such a bill at this time. Thomas Stone, Charles Carroll and one other member were appointed a committee, the 12th of December, to prepare a message to go to the House of Delegates, declining a conference on the subject of Henry Harford's memorial, asking compensation for his losses as late Proprietary. The Senate thought a conference needless, and that Mr. Harford should receive no compensation.

Charles Carroll of Carrollton was then made chairman of a committee to write a message to the House on the subject of enlarging the High Court of Chancery. The House proposed a conference on the subject, and Thomas Stone, Charles Carroll, and William Perry were named the Senate conferees. Other committees upon which Charles Carroll was placed were: that for amending the bill preventing the exportation of unmerchantable tobacco; that for ascertaining the value of land in the several counties for purposes of assessment; and that for drafting the bill for the valuation of personal property. When a motion was made and carried, that the act to direct descents be read a second time, Charles Carroll voted in the negative, and he voted for the motion that the consideration of the bill be put off to the next session, and that it be published in the Baltimore and Annapolis papers.

The bill to repeal part of the Act of Assembly concerning the admission and qualification of solicitors and attorneys, was brought in by Charles Car-

roll of Carrollton at this session. And on the subject of the bank stock, the Senate sent a message to the House agreeing that the State pay all legal costs, and the fees paid or to be paid, by the State agent, Mr. Chase, to attorneys, counsel, etc., in the suits in the High Court of Chancery of Great Britain respecting the bank stock, the five hundred pounds already advanced the State agent being first applied to these purposes. On this message, the President of the Senate, Daniel Carroll, with Charles Carroll of Carrollton and Edward Lloyd voted in the negative. The House and Senate were, as usual, at issue on various questions; amongst others the proposed commercial convention between Maryland, Virginia, Pennsylvania, and Delaware, the Senate thinking such a Convention derogatory to the dignity of Congress.

In the messages from the Senate to the House of Delegates, Charles Carroll of Carrollton was generally on the committee to draft them. There was the customary sensitiveness on the subject of money bills, between the two branches of the Legislature. "We are fully satisfied," the Senators say on one occasion, "no inconvenience or mischief would arise if the Senate could not only amend, but originate money bills; but the framers of our Constitution have thought differently." And they complain of the embarrassment and delay caused in the public business, from the Senate's not having the right to amend money bills; "we shall be very careful," they add, "how we subscribe to the doctrine, that the bills which you may be pleased to style money

bills, become really such on that account.” On the 6th of March the act was passed investing the United States in Congress assembled, with the power to levy particular duties, for the use of the United States, on certain enumerated articles, and five per cent. on all other foreign merchandise imported into Maryland.¹

The Senate met again for the regular fall session, on the 6th of November, 1786, but it was not until the 30th that a sufficient number of members were present to transact business. General Smallwood was re-elected Governor of the State, and elections were made in the Senate and for delegates in Congress. Then for two months the two branches of the Legislature disputed over the various questions that divided them; the Supply Bill, the Debtor’s Bill, and last but not least, the bill for the emission of paper money. It was at this session also, that the commissioners were to be elected to the Convention in Philadelphia. Edmund Randolph, the Governor of Virginia, sent a letter to the Maryland Assembly proposing this Convention “to revise the Confederation of the United States,” and a conference took place between the House and the Senate on the subject. The Senate conferrees were Thomas Stone, Charles Carroll of Carrollton, and William Hemsley. On the 2d of December the “Act for the Emission Bills of Credit” was read a second time and unanimously rejected. Thomas Stone, Charles Carroll Carrollton, and Richard Ridgely were appointed committee to prepare a message to the House

¹ Journal of the Maryland Senate.

giving the Senate's reasons for this action. This message fills five pages of the printed journal. It said in part:

“Both reason and experience evince that if the bills of credit proposed to be emitted should depreciate considerably, they will neither relieve the people, or answer the exigencies of government, but will increase the difficulty on both to procure real money, by adding an article of purchase to those which are already the objects of sale.... Your bill would derange our commerce, banish specie. The cautious and timid would hoard it up. Considered with a view to commerce as well as finance, it appears not only useless but injurious.... The foregoing reasons are particularly pointed at your bill; some of them indeed apply against paper money in general, as a circulating medium; but as the sinking our quota of the federal domestic debt is an object of great importance, if any funds can be provided to give a value to State paper, to be exchanged for the liquidated paper of Congress, at a reasonable rate, the exchange to be voluntary with the holder of the continental paper, and the State paper to be made receivable for the funds pledged, but not to affect the public engagements, private dealings, or the other revenue of the State, we would agree to adopt such a measure.”

The Senate admitted, in their message, that the situation of the country was critical, and they proposed that the duties on imports should be increased, and that a moderate direct tax be raised in specie. On the 6th of January the House of Delegates suggested an adjournment to the 20th of March. Thomas Stone, John Henry, Charles Carroll, and

two other members were appointed a committee to reply to this proposal. They perceived, they said, with “inexpressible regret,” that the House was determined to adjourn, after a session of eight weeks, when the Continental Treasury was empty, and no assessment bill had been passed to raise the money needed for both State and Federal purposes; no steps had been taken to raise a troop of horse, as required by Congress, and the deputies to meet in Philadelphia had not been appointed: “We cannot account for your postponing the consideration of these great and interesting subjects, and your adjournment to the 20th of March, unless it be to appeal to the people upon the bill for an emission of paper money which we rejected.” After speaking of the other measures on which they disagreed, the message says, of the bill above referred to:

“We are satisfied that the objections to the bill are unanswerable, and that if the sense of the people could be fairly collected, the majority would be against the measure. We are also convinced that the majority would increase, if time were given to discuss, understand, and form a right judgment on the subject. You propose to adjourn to a time so short that it is impossible a deliberate consideration of the question and free interchange of sentiments can take place.”

This message was sent the 20th of January, the day of the proposed adjournment, and the House promptly:

“The length of your message and the communication of it within a few hours only of the proposed time for

closing the session, prevents us from making full observations upon it. We shall only say in reply, that we have paid every possible attention to the public affairs of the Union, and the interest and happiness of our people. You have thought proper to overrule every material system proposed by us for these purposes, and have brought forward nothing essential in their stead. The people must decide upon our conduct and yours, as to the utility, policy and rectitude of the systems respectively proposed; and we trust we can meet our God and our country with consciences as quiet and undisturbed as your own. We repeat our request to close this session this evening.”

The Senate replied, saying that the “system of an emission of paper money, the only one proposed by the House, was utterly incompetent to afford the relief desired,” and reminding the Representatives that it was not the province of the Senate “to point out ways and means of raising money.” The Senate then ordered that one thousand copies each of the messages on the subject of the emission of paper money be printed to be distributed among the people, and the Assembly soon afterward adjourned, but to the 20th of April instead of the 20th of March, extending the time for the consideration of the question at issue one month.¹

How this agitation in the Assembly affected the people in the State, is shown in a letter written by Robert Lemmon, a prominent merchant of Baltimore, to Councillor Carter of Virginia, March 5th 1787. Charles Carroll of Carrollton also refers to

¹ *Ibid.*

this matter in a letter of his written about the same time.

“Our dispute respecting an emission of paper money runs very high. You have, I suppose, heard of the great differences upon that subject, between the two branches of our Legislature—how they adjourned without doing any business of consequence after a session of two months. The opponents are daily increasing, and I am inclined to think if an emission takes place, it will be for a small sum. The schemes of designing men being daily disclosed, creates a greater opposition and discovers a large emission to be intended to serve private, rather than public usefulness.”¹

When the Legislature met in April, its two great objects, said the House in a message to the Senate, were “the raising of supplies for Congress and this government, and the relieving of our people with respect to their difficulties and distresses on account of their private debts.” The House was to undertake the first-named measure, and the Senate was asked to draw up the Debtor’s Bill. John Henry, Charles Carroll of Carrollton, and John Hall were appointed a committee by the Senate to answer this message, and in their reply they said they thought the work of drawing up an act for the relief of debtors, “without interfering with the contracts of individuals,” was one of great difficulty, they proposed a joint conference on the subject. The House assented and nominated members for purpose, the Senate selecting as conferrees

¹ Carter Papers, owned by Charles P. Keith.

Charles Carroll, John Hall, and Richard Ridgely was added later. The report of this conference was brought in by Charles Carroll of Carrollton, and it stated that it was the opinion of the conferrees “that the installment of private debts is a measure at this time necessary,” and “that the creditor should be obliged to accept of the proposed installment from the debtors.” Then followed fourteen provisions for carrying out the plan advocated. The law to repeal acts repugnant to the Treaty of Peace with Great Britain was put into the hands of a committee of three, George Gale, Charles Carroll, and John Hall, and Charles Carroll of Carrollton was named first on the committee of three who were to prepare a message to go with the bill to the House. The bank stock difficulty was approaching solution at this time, the Legislature resolving that the agent of the State for the recovery of the bank stock, might with the approbation of Governor Smallwood, Charles Carroll of Carrollton, and Thomas Johnson, or any two of them

“compound, settle and agree with the trustees of said stock, or any other person or persons concerning the same, on such terms and conditions as they may think for the advantage of the State, on consideration of the situation of said stock, present circumstances of this State, and the benefit that may be derived from a speedy and reasonable compromise, and that the money arising from the stock that will remain in this government may be laid out in such manner as the said gentlemen or any two of them shall think most beneficial to this State.”¹

¹ Journal of the Senate.

The delegates to the Federal Convention in Philadelphia were elected by the Maryland Assembly, on the 23d of April. These were Robert Hanson Harrison, Charles Carroll of Carrollton, Thomas Stone, James McHenry, and Thomas Sim Lee. But only one of these gentlemen accepted the appointment, and this was James McHenry. And the delegation as finally elected on the 26th of May, the last day of the session, consisted of James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin. The Senate, this time, proposed the day of adjournment, in a message of three lines and a half, May 25th, saying they had despatched all the business on their table, and had given the House sufficient time for the preparation of the Supply Bill, and wished to rise the following day. The House made a dejected rejoinder. "Having no hope," they said, "of making adequate provision to comply with all the demands upon us by prolonging the session," they would try to finish up all immediate business that evening.¹ The spectre of paper money had been effectually laid, the Senate won a decisive victory, a triumph in which Charles Carroll of Carrollton bore a leading part. This, is one of the instances alluded to in a former chapter where, in the words of Judge Taney's biographer "the integrity and firmness of the Senate withstood the unwise course of the more popular branch," and the issue of paper money proposed by the House of Delegates, under the leadership of Samuel Chase was rejected by the Senate "under

¹ *Ibid.*

the lead of Thomas Stone and Charles Carroll of Carrollton.”¹

From Charles Carroll’s correspondence in these years, of which, however, not many traces remain, some knowledge may be gleaned of the more personal and private side of his life at this period, to supplement the public record. We find him, June 5, 1784, ordering from his merchants in Marseilles, “by the first vessel bound from Marseilles to Baltimore town, 12 dozen quart bottles of your best Frontignac wine and 500 pounds weight of your best Turkey coffee.” Thus was the wine-cellar depleted doubtless during hostilities, to be stored anew with foreign vintages, while the smoking beverage of the breakfast-table was to be the Frenchman’s coffee rather than the Englishman’s tea. Among Charles Carroll’s Virginia correspondents were Col. John Fitzgerald, of Alexandria, and Mr. James Hunter, of Fredericksburg. To the former he wrote in 1785-86, on the subject of the Potomac Canal Company, which then wanted five per cent. on the subscriptions of its members, and to which Charles Carroll had subscribed a thousand pounds. Letters of Robert Carter of “Nomini,” written in 1784, 1786, and 1787, which are extant, relate to the business of the Baltimore Iron Works, and are replies to letters of Carroll, now lost. They give evidence of the latter’s continued and conscientious interest in his duties as a shareholder in the Patapsco, or Baltimore Company.

A scheme in which Charles Carroll of Carrollton

¹ Tyler’s “Life of Roger Brooke Taney,” p. 121.

with many others of his faith were concerned, about this time, was the project for establishing a Jesuit College in America, to be located at Georgetown, then a part of the State of Maryland. "Proposals" for this purpose appeared in a prospectus issued 1786-1787, and heading the list of gentlemen in Maryland who were to solicit subscriptions was the name of Charles Carroll of Carrollton. In Virginia, Colonel Fitzgerald and George Brent were appointed for this purpose, and at New York, Dominick Lynch.¹

In 1785, Charles Carroll sent his son, then a little over ten years of age, to Europe, to be educated as his ancestors had been, in the Jesuit schools of France. The father writes from "Doohoragen" [*sic*] July 31st, to Messrs. Wallace, Johnson, and Muir, merchants in London, and tells his correspondents:

"This will be delivered to you by my son whom I have sent to London on his way to Liege to be there educated in the English College.... My cousin, Daniel Carroll off Duddington will accompany my son to Liege to see his brother who is now in the English College.... In a day or two I shall set off from this place to George Town to see my son embark."²

This embarkation of young Charles was commemorated on canvas. And it seems that the child did not sail from Georgetown, as his father had expected, but from the Carroll house at Annapolis.

¹ Shea's "Life and Times of Archbishop Carroll," p. 308.

² Family papers, Rev. Thomas Sim Lee.

Such, at least, is the tradition, which is supported by the details in the old picture. The heads are said to be all portraits. In the family group saying farewell, are Charles Carroll of Carrollton and his two daughters, while the dusky face of a negro boy, the young master's valet and playmate, lends its distinctive Southern character to the scene. This negro's son, known to the present generation of the family, as "Old Patrick," died only a few years ago. He was a fine specimen of the courteous, well-bred, kind-hearted, and loyal servant of the house, which the system of domestic slavery in America produced, and which "emancipation" has banished from the continent. "Old Patrick" had many interesting reminiscences to give of the "Signer" whom he well remembered, and at whose funeral he had been a mourner.

Daniel Carroll of "Duddington" who accompanied his young cousin to Liege, was the eldest son of Charles Carroll of "Duddington" and "Carrollsborg," and grandson of the eider Daniel Carroll of "Duddington." This younger Daniel Carroll had two brothers, Charles Carroll of "Bellevue," the one who was at Liege in 1785, and Henry Carroll. The following letters were written by Charles Carroll of Carrollton to his cousin of Duddington, while the latter was abroad in 1786-1787. Daniel Carroll, it will be seen, had been a suitor for the hand of his fair relative, Mary Carroll, and it was a match which her father evidently preferred to the one she was about to make. But in young Carroll's absence, an English rival had succeeded in supplanting him.

28th May, 1786, ANNAPOLIS.

DEAR COUSIN:

I have received your letters of the 15th November and 12th February. You may apply to Mr. Johnson for reimbursement of the 18 guineas which your trip to Liege cost you, and on producing this letter to him I desire that he will pay you that sum, and charge it to my account. By your letter of the 12th February, I find you intended to set out in a few days for France. I make no doubt you will employ your time in that country in improving yourself and particularly in learning French. I would not advise too long a residence in Europe. It will be attended with considerable expense, which your estate, not being a very productive one, you cannot well afford. You no doubt will endeavor not only to improve yourself in the French language, but also by the acquirement of some of the polish of their manners. Observe the cultivation of the country, particularly of the vineyards, and learn the most improved methods of making wine; attend also to their manufactures, inquire into their prices from the manufacturers themselves; endeavor to fix some useful correspondences in France. These observations, and these correspondences may hereafter turn to account, and in some measure compensate the expense you have been put to in making them.

Miss Darnall and my daughter join me in sincere wishes for your health and happiness. Little Kitty grows a fine girl.

I am your affectionate kinsman

and humble servant,

CHARLES CARROLL OF CARROLLTON.

To Daniel Carroll of Duddington, Esq., London.¹

¹ Family papers, Mrs. William C. Pennington.

ANNAPOLIS, 13th March, 1787.

DEAR COUSIN:

I am favored with your letter of the 20th September. As the intelligence I am going to give you may make some alterations in your plans, although disagreeable, I must impart it to you. My daughter, I am sorry to inform you is much attached to, and has engaged herself to a young English gentleman of the name of Caton. I do sincerely wish she had placed her affections elsewhere, but I do not think myself at liberty to control her choice, when fixed on a person of unexceptionable character, nor would you, I am sure, desire that I should. My assent to this union is obtained on these two conditions, that the young gentleman shall extricate himself from some debts which he has contracted, and shall get into a business sufficient to maintain himself and a family. These conditions he has promised to comply with, and when performed there will be no other impediment in the way of his marriage. Time will wear away the impression which an early attachment may have made on your heart, and I hope you will find out in the course of a year or two, some agreeable, virtuous, and sweet-tempered young lady, whose reciprocal affection, tenderness, and goodness of disposition will make you happy, and forget the loss of my daughter.

I would advise you to return home next autumn. It is time you should look after your own affairs; indeed these do not suffer from your absence. Your worthy father-in-law [step-father] is as attentive to and watchful of your interest as you would be yourself, but I know he wishes you would return as soon as possible. Your residence in Europe may occasion you to spend more money than you can well afford, and this expense may subject you to considerable embarrassment hereafter.

Your brother Charles is lately arrived; the ship he came passenger in was cast away off Cape Hatteras, no lives lost. Your brother, I believe, will study the law in this city under Judge Hanson. I have heard lately from Charley. I am told he begins to apply to his book. I wish you would endeavor to get information how he comes on in his studies.

This State is at present a good deal agitated by an appeal made to the people by the House of Delegates concerning a bill for a paper emission rejected at the last session by the Senate. If any dependence can be placed in reports, a majority of the people will be against an emission on loan, the plan of the House of Delegates. The Assembly will meet again the 10th of next month, when this question will be decided.

A convention is to meet at Philadelphia next May for the purpose of revising the Articles of Confederation, correcting its defects, and enlarging the powers of Congress. The meeting, it is thought, will be full, and consist of the first characters in this country.

Miss Darnall and Molly desire their kind compliments to you. Kitty sometimes talks of "Cousin Long-legs." She is still puny, and often complaining, grows tall, and if she should hereafter enjoy a better share of health, I think will make a fine woman.

An insurrection of numbers of malcontents, in the State of Massachusetts, has been lately suppressed by the exertions of that government, which I hope will increase its energy, and have a good effect in other States, where similar dispositions might otherwise have occasioned similar commotions.

I have mentioned every occurrence worth communicating, and therefore conclude this letter with assurances

of real regard and attachment. Wishing you health and happiness, I remain, Dear Cousin
Your affectionate kinsman and very humble servant,
CHARLES CARROLL OF CARROLLTON.¹

Mary Carroll was married, in the fall of this year, at seventeen years of age to Richard Caton an English gentleman who had settled in Baltimore in 1785, He became one of the prominent citizens of the town, entering a mercantile firm for the manufacture of cotton in 1790, and at one time interesting himself in geological researches. Catonsville, a suburb of Baltimore, bears his name, as it was built up round the old mansion given to Mary Carroll by her father on her marriage. "Polly Caton" as her portrait testifies was very attractive and pretty. She "was distinguished," says a recent writer, "for the grace and elegance of her manners as well as for her many sweet and amiable qualities. She was a particular favorite of Washington's and one of the most charming ornaments of the Republican Court."² She was the mother of three beautiful women who married into the English aristocracy and are still remembered as "The American Graces." A fourth sister who married in her own country is the only one, however, who left descendants.

"Kitty Carroll" the little girl who made jokes on Polly's lover, "Cousin Long-legs," was sent to the English Convent at Liege in 1789, when eleven years of age. Charles Carroll of Carrollton wrote from New York, July 6, 1789, to Messrs. Wallace, Johnson, and Muir:

¹ *Ibid.*

² *Harper's Magazine*, September, 1880.

“The last letter which I wrote to your Mr. Jos. Johnson was by my daughter Kitty who sailed from Baltimore the 20th of May and I hope has safely arrived in London before this time. I must request Mr. and Mrs. Johnson’s attention and care of my dear little girl while in London, where her stay, I hope was very short: the maid who accompanied her Mr. Johnson will be pleased to have shipped by the first vessel sailing and bound to Maryland after Kitty’s departure from London, for she is not to go with Kitty to Liege.”¹

Joshua Johnson, Charles Carroll’s correspondent, at whose house little Kitty was to stay while in London, was a Marylander, a brother of Governor Thomas Johnson.

¹ Family papers, Rev. Thomas Sim Lee.

CHAPTER IV.

IN THE UNITED STATES SENATE.

1787–1790.

THE important business before the Maryland Senate, at its November session, 1787, was the new Federal Constitution. A committee of four appointed to report on the “act of the late Federal Convention,” included Charles Carroll of Carrollton, and Daniel Carroll of Rock Creek, the latter having been a member of the Convention where he voted generally on the side of the “Federalists,” the name claimed by the advocates of the proposed system of government. Their opponents, however, who feared that the *federal* character of the Constitution was not sufficiently defined in this instrument as reported by the Convention, and desired to see it amended before it was adopted by the States, asserted that the term Federalist more properly described one who held their views. But a party cannot always select its own name. So it came about that the ultra *Federalists* received the title of Antifederalists, then were known later as Republicans, and finally under the lead of Thomas

Jefferson, as Democrats, the name the party still retains. The committee's report provided that the Constitution be submitted to a Convention, to be elected the 3d Monday in January, to meet at Annapolis the following March, "and if they assent to and ratify the Constitution, that they give notice thereof to the Congress of the United States."¹ The House submitted other resolutions to the Senate on this subject, which were finally accepted by them in place of their own, in order not to protract the session.

The death of Thomas Stone in October, announced in the Senate at this time, removed one of Maryland's strongest men from the political arena, just at the opening of the new era, and was a great loss to the Antifederalists among whom he had been numbered. In the division of sentiment as to the merits of the Federal Constitution the two parties, which were soon to be massed in serried ranks as Federalists and Democrats, took their birth. Here Charles Carroll of Carrollton separated from some of his old friends, becoming known as a leader of the Federalists. And prominent among the Antifederalists in Maryland at this period were Samuel Chase, John Francis Mercer, and Luther Martin. The latter in an able and impassioned letter widely circulated through the public press, gave expression to the principles of his party, the "Federal Republicans," as they then preferred to style themselves.

Very little business was done in the Senate after the question of the Convention was settled.
Charles

¹ Journal of the Maryland Senate.

Carroll brought in a report, December the 8th, from the committee of three to whom was submitted for amendment the act respecting civil suits and county courts. A communication had been received from Uriah Forrest, Esq., by Charles Carroll of Carrollton on behalf of the Senate, and Thomas Johnson on behalf of the House of Delegates, relating to the claim of Messrs. Van Staphorst, of Amsterdam, against the State of Maryland; and a joint committee of both Houses was appointed to receive information from Carroll and Johnson on this subject. This committee reported that the loan procured in Holland of 270,000 florins, through the Messrs. Van Staphorst, was obtained from a number of individuals in Holland on the credit of the State, and the Van Staphorsts as agents were not answerable, or in any manner security, to the lenders for the principal of the loan, or interest thereon. And they declared that it was a mistake to suppose that the State was indebted to the Messrs. Van Staphorst for the loan aforesaid. The Senate, on the 15th of December, sent a message to the House to the effect that whereas “the continental State money which was drawn out of the Treasury some time last winter and spring, by order of the Commissioners of the Treasury of the United States, considerably affected the revenue and resources of Maryland, and subjected the people to a burthen, etc., measures should be taken to obviate the consequences of a proceeding so injurious to our constituents.” Charles Carroll of Carrollton and William Perry were appointed by the Senate to unite with a committee of

the House, consisting of Thomas Johnson, and three others, “to investigate the transaction and to report what steps to pursue for redress.” This committee brought in its report the following day, which was read and assented to. The Assembly then adjourned, December 17th, to meet again the 2d Monday in May.¹

The Maryland Convention, called to vote on the Federal Constitution, met in Annapolis on the 21st of April. The only account of its proceedings which has come down to us is that furnished by the Antifederalists of the Convention in their “Address to the People of Maryland,” showing this body to have been a complete travesty of a deliberative assembly. A discussion of the Constitution, clause by clause, was forbidden. Those who were opposed to ratification without previous amendments were not permitted even to read these amendments, and the Federalists obstinately refused to speak in answer to the objections made by the Antifederalists. Subsequent amendments agreed to by a committee consisting of members of both parties, were not reported at all, though they were read to the Convention by its chairman, George Plater. The efforts of the Antifederalist minority to get any hearing at all, or the slightest regard paid them, proved fruitless; the Federalists refusing to have the yeas and nays taken on the final vote; “nor would they permit the vote to be entered on the journal, by which the yeas and nays were prohibited, to preclude the consideration of any amendments.”²

¹ *Ibid.*

² Elliot’s “Debates of State Conventions,” vol. ii.

Among the prominent men of Maryland in this Convention who were Antifederalists, were the two Chases, Samuel and Jeremiah Townley Chase, William Paca, William Pinckney, John Francis Mercer, and Luther Martin; the last two having been members also of the Federal Convention. Another eminent Marylander who desired to see the Federal Constitution amended before it was riveted upon the States, was General and Governor William Smallwood. Samuel Chase wrote to General Lamb of New York from Baltimore, June 13th, soon after the adjournment of the Maryland Convention, on the subject of communications from the society of the "Federal Republicans." This was an organization of Antifederalists banded together in an effort to secure amendments to the Constitution, and having their headquarters at New York. "I believe," wrote Chase, "a very great majority of the people of this State are in favor of amendments, but they are depressed and inactive... Governor Smallwood, Mr. Mercer, Mr. J.T. Chase, our Attorney-General, and a few more, are decided against the government. An attempt will be made to elect none but *Federalists*, as they falsely call themselves to our House of Delegates."¹

The effect of the adoption of the Federal Constitution on Maryland's State Constitution, is thus referred to by one of her historians. "In several articles, the 2nd and 8th sections, the new national Constitution clashed with and repealed provisions (the 26th and 33d) of the existing Constitution of

¹ Leake's "Life of Lamb," p. 310.

Maryland, although adopted by a Convention of the people assembled by a simple resolution of the Legislature, and followed by no other sanction or ratification; a proceeding seemingly subversive of the 59th article of the State Constitution.”¹ The Maryland Constitution gave the Governor the entire control of the militia, of all the land and sea forces of the State, and also the power to lay embargoes, etc., during the recess of the Assembly. McSherry explains that the statesmen of Maryland probably “understood the restriction of the 59th article, taken in connection with the 42nd section of the ‘Declaration of Rights,’ as binding only on the Legislature, and in no manner interfering with the right of the people to alter and amend or renew that instrument by means of a Convention assembled by a simple resolution—a construction strongly contended for at the present day (1849). They seem to have considered, that as a Convention of the people had power to frame a Constitution at the outset, so a similar body, under the very theory of the government, properly constituted, would always have power to alter or renew it; and the 42nd and 59th articles simply provided an additional means and conferred a new power, by which amendments might be made, through the Legislature, thereby rendering unnecessary a too frequent resort to Conventions.”² The Bill of Rights forbade any change except in the manner to be provided by the Constitution. The latter declared no alteration could be made unless

¹ McSherry’s “History of Maryland,” p. 323.

² *Ibid.*, p. 330.

an act for the purpose “shall pass the General Assembly and be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election,” etc. And there can be no justification given for the course pursued. The Federal Constitution “repealed in effect one clause of the State Constitution, and took away from the State a portion of its sovereignty and nationality.”¹ Moreover this Federal Constitution was never properly submitted to the people of the State, and cannot be said to have received a legal sanction by constituted authority.

What were the views of Charles Carroll of Carrollton, on the summary proceedings of the Maryland Convention do not appear, as none of his correspondence at this time has been preserved. He was promptly in his seat in the Maryland Senate at its May session. A letter was received from George Plater, president of the Convention, May 15th, enclosing “the resolve and ratification of the Federal government.” On the 23d Charles Carroll brought in the insolvent debtor’s bill, which repealed a former act on the subject, and revived another one, entitled, “Act for the relief of insolvent debtors.”² After some routine business, the Assembly adjourned.

The Maryland Senate met again, and for the last time, under the more elastic, and in many respects “more perfect” union represented by the Articles of Confederation, November 3d, 1788. The first business of importance was the election of Senators

¹ *Ibid.*

² Journal of the Senate.

to sit in the newly organized Federal Congress. John Henry, George Gale, Charles Carroll of Carrollton and Uriah Forrest were put in nomination, two for the Eastern and two for the Western Shore. John Henry was elected Senator for the Eastern Shore on the second ballot, and on the third ballot Charles Carroll of Carrollton was elected the Senator for the Western Shore. The Incorporating Bill, or “Act to incorporate certain persons in every Christian Church or congregation throughout this State,” was committed for amendment to John Henry, Charles Carroll of Carrollton, and three others, on the 11th, of December, and was brought in as amended, by Henry, two days later. Charles Carroll was made chairman of a committee of three who were to draw up a message to the House of Delegates on the subject of an act to lay a further tax on the people of Harford County to complete the public buildings of said county. A message from the House was received on the 19th in reference to the Incorporating Bill. It was thought to be a subject too complicated, and of too great importance for hasty action, and the House proposed that it be published for the consideration of the people. This bill takes up four pages of the Senate’s journal. The only other matter of moment coming before the Assembly at this time, was the act to cede ten miles square for the seat of the Federal Government. The Legislators adjourned on the 23d of December, in time for the Christmas holidays.¹

¹ *Ibid.*

The first Congress of the United States under the new Constitution met in the city of New York, April, 1789. This Union of 1789, which replaced the Union under the Articles of Confederation, as *that* had succeeded to the unwritten compact between the colonies formed at the outbreak of the Revolution, and existing on the promulgation of the Declaration of Independence, was instituted by the States for the purpose, as Luther Martin expressed it in the Federal Convention, of supporting and upholding these governments. It was to sustain their dignity and give them a common agent in their intercourse with foreign powers. “The American Confederacy,” wrote a Federalist of 1818, “is constituted by the union of 20 States, each in itself separately considered sovereign and independent, and having its own executive, legislature, judiciary, local constitution and laws.”¹ And a Federalist in 1833, describing the government, and the origin of political parties speaks of the United States in 1788 as “thirteen independent sovereignties,” who “called into the deliberative Assemblies of the time all the able men of the country” for the purpose of voting upon a Constitution which would unite them, it was thought, in a compact more conducive to the happiness and prosperity of these States than that under which they were then living. “It is believed” he adds, “that a large majority of the thinking men were decided that there must be some confederation of the States.”

¹ “Letters from Washington on the Constitution and Laws,” Washington, 1819.

He complains that those “who were in favor of adopting the proposed Confederation” were stigmatized by Jefferson as “monarchists” and “disunionists.”¹

It was as a Federalist then, as Federalism was understood by its friends during his life time, that Charles Carroll of Carrollton appeared in the United States Senate in 1789. The City Hall in New York, corner of Wall and Nassau streets, was fitted up for the sessions of Congress, and called Federal Hall. The House of Representatives met in a room on the first floor, and the Senate Chamber was upstairs. There were also galleries on the second floor, two belonging to the House of Representatives, and one, an iron gallery communicating by an ante-room with the Senate Hall. The building contained in addition several rooms, for committees, a library, etc. The New York “Register for 1789” gives us the place of residence of the Senators and Representatives. Charles Carroll had rooms at “52 Smith Street,” and in the same house with him were the Maryland Representatives, Daniel Carroll, William Smith and George Gale. Carroll’s colleague in the Senate, John Henry had rooms at “27 Queen Street.”²

As the Senate sat with closed doors through these first years of its existence, we must look for accounts of its proceedings, to private memoirs and correspondence. The number of Senators did not then

¹ Sullivan’s “Familiar Letters on Public Characters,” pp. 27, 31.

² Griswold’s “Republican Court,” pp. 120-166.

exceed eighteen. Charles Carroll took his seat, Monday, April 13th, and was added on this day to the Judiciary Committee.¹ John Henry arrived April 20th. From the invaluable "Journal" of William Maclay, one of the Senators from Pennsylvania, we get the only detailed description preserved of the Senate debates from April 1789 to March 1791, and through this source Charles Carroll's record may be traced during the two years he was a member of this body. Maclay's first entry was made April 24th. A subject agitating Congress at this the beginning of a new and untried course, was that of titles of honor. What titles, if any, should be bestowed upon the President and other dignitaries of the government? John Adams and Richard Henry Lee came prominently forward in favor of titles, and Charles Carroll of Carrollton showed in the discussion this day that he was opposed to them.² The question whether Congress should, at the Inauguration of the President, accompany him to St. Paul's Church and attend divine service, was opposed by Maclay, and carried "by the Churchmen," as he says, on the 27th. "Carroll" he adds, "though he had been the first to speak against it, yet was silent on this vote. This proves him not the man of firmness which I once thought of him."³

Charles Carroll no doubt, showed good sense as well as courtesy in not further opposing a religious

¹ History of Congress, vol. 1. Senate.

² Journal of William Maclay, p. 1. 1789-1791. New York, 1890.

³ *Ibid.*, p. 4.

service advocated by a majority of his fellow Senators. The great day arrived, the 30th of April, and the sturdy, plain-spoken Democrat from Pennsylvania, an abhorer of ceremonies and etiquette, gives an amusing and graphic recital of the Senate's deliberations, as to how they should receive the President, and whether they should stand or sit during his address. Lee and Izard bring forward the English precedents, and the Vice-President "this son of *Adam*" for whom Maclay had a special aversion has a few words to say also. Then, adds the journalist "Mr. Carroll got up to declare that he thought it of no consequence how it was in Great Britain; they were no rule to us, etc." Maclay goes on to describe the coming in of the Speaker and the House of Representatives, amidst some confusion in the Senate, and how they wait an hour and more for the President, because the Senate committee had neglected to go after him. Finally he comes in, bowing right and left, advancing between the Senate and Representatives. The Vice-President rose and told him he should take the oath, which he does on the balcony. Then they return into the Senate Chamber, and all are seated, and when the President rises to address them all rise. Washington is much embarrassed and rather ungainly in his gestures. From the hall they go to St. Paul's Church where prayers are said by Bishop Provoost. The Senate then return to their Chamber and continue their session. They took up the President's address, which John Adams calls "his most gracious speech," an expression strongly disapproved of by Maclay. A com-

mittee of three, consisting of William S. Johnson of Connecticut, William Paterson of New Jersey and Charles Carroll of Carrollton, was appointed to prepare an answer to the address.¹ Charles Carroll had established his reputation as a clear and forcible writer, and it is noticeable here as in the councils of his own State that when important papers were to be drafted his vigorous pen was called into requisition.

On the 5th of May the weighty question as to how bills were to be sent to the other House was discussed for two hours. The House of Representatives had offended the Senate by sending them a bill in a letter, instead of despatching it by a member of their body, and now that the bill prescribing the oath was to go to the House, a motion was made that it should be carried by the Secretary. Maclay thought that this was a bad way of sending bills as it interrupted business, and if the Senate wanted to retaliate in kind the bill should be put in a letter, but the most friendly and cordial way for the two Houses to carry on their intercourse was through members, as in the State Legislatures. The motion was carried, however, against Maclay and his adherents. "Ellsworth was with us," he writes, "and so was Mr. Carroll, but he concluded with saying he would this time vote for the Secretary to go down with the bill."² The committee appointed to prepare a reply to the President's address made its report on the 7th of May.

¹ History of Congress, vol. i. Senate.

² Journal of William Maclay, p. 19.

“One part was objected to which stated the United States to have been in *anarchy* and *confusion*, and the President stepping in and rescuing them. A very long debate. The words were struck out. Mr. Lee offered part of a sentence, which, I thought filled the sentence with propriety. It was however lost. Mr. Paterson offered a clause ‘rescued us from evils *impending over us*.’ This was carried; but half the Senate nearly made sour faces at it. Mr. Ellsworth said it was tautological, but seemed at a loss as to mending it. I rose, ... I admitted that there appeared something tautological in the words, and it was not easy to mend them consistent with elegant diction, but, if the first syllable was taken from the word *impending* it would then stand ‘evils pending over us.’ The objection would be obviated, but I would not say the language would be eloquent. But, since I was up, I could not help remarking that I thought the whole clause improper; that to state the whole Union as being in anarchy or under impending ruin was sanctifying [sanctioning?] the calumnies of our enemies, who had long labored in the foreign gazettes to represent us as a people void of government. It was fixing a stain on the annals of America, for future historians would appeal to the transactions of this very day, as a proof of our disordered circumstances.”¹

The speech was then again put in the hands of the committee, “for the purpose of dressing it.” And Maclay adds later:

“The committee returned with the message, and it really read vastly better, and was altered in the exceptional phrases. In one place, speaking of the Government, it

¹ *Ibid.*, p. 20.

mentioned ‘dignity and *splendor*.’ I submitted it to the gentlemen who had the amending of it whether ‘respectability’ was not better than *splendor*. Mr. Carroll of the committee, did not defend the word ‘splendor,’ but said ‘respectability’ had been used before if he recollected right. Mr. Paterson said it sounded much better than ‘respectability,’ and rounded the period. Dr. Johnson said ‘splendor’ signified in this place the highest perfection of government. These were the three members of the committee. I mentioned that if the word *respectability* had been used immediately before, it would be improper; that *dignity* alone, I thought, expressed all that was wanted. As to the seeking sounding names and pompous expressions I thought them exceptionable on that very account, and that no argument was necessary to show it; that different men had a train of different ideas raised by the same word; that ‘splendor’ when applied to government, brought into my mind, instead of the highest perfection, all the faulty finery, brilliant scenes, and expensive trappings of royal government, and impressed my mind with an idea quite the reverse of republican respectability, which I thought consisted in firm and prudent councils, frugality and economy.”¹

But the word “splendor” was allowed to remain, much to the gratification of the Vice-President, as Maclay observes, who with “joy in his face,” rose in the chair and repeated twice over “he hoped the government would be supported with *dignity and splendor*.” In this address to the President, he was thanked for his speech, and the country congratulated “on the complete organization of the Federal

¹ *Ibid.*, p. 22.

Government”; and reference was made to the “great events which led to the formation and establishment of the Federal Government.”¹ The words “National Government” by which the modern successors of the Federalists now designate the confederation of the United States were not in the political vocabulary of the makers of the Constitution.

When the subject of titles was brought up again, some surprising things were said on the topic of kings and monarchical government. Oliver Ellsworth declaring “that kings were of divine appointment,” Maclay, of course, opposed this anti-republican sentiment. “Mr. Carroll rose,” he says, “and took my side of the question. He followed nearly the track I had been in, and dwelt much on the information that was now abroad in the world [diminishing the veneration for titles.] He spoke against kings.”² Ellsworth, Carroll and Few were appointed on the 11th, a committee to consider and report on the mode of carrying into effect the section of the Constitution classing the members of the Senate, and fixing their terms of office. They gave in their report two days later. John Henry was put in the first class of Senators and Charles Carroll into the third. Then lots were drawn, and among those who vacated their seats at the end of the second year were William Maclay and Charles Carroll of Carrollton.³ On the evening of the 11th, of May, some of the legislators were in attendance at the theatre.

¹ History of Congress, vol. i. Senate.

² Journal of William Maclay, p. 24.

³ History of Congress, vol. i. Senate.

It was Washington's first appearance in public since his elevation to office, and he invited William Maclay and others to seats in his box.¹ His guests on this occasion included the Governor of New York, George Clinton, the French and Spanish ministers, the Count de Moustier and Don Diego Gardoqui, the Senators from New Hampshire, Connecticut, Pennsylvania and South Carolina, and the Senators from "M," probably meaning Maryland, as the President would doubtless wish to distribute his favors equally, between the Eastern, Middle, and Southern States. There were also some ladies in the box, we are told; Mrs. George Clinton, most likely, the Governor's wife, the Marchioness de Brehan, sister of the French Minister, and the beautiful Mrs. Ralph Izard, with other women of the official circle. We can fancy John Henry and Charles Carroll of Carrollton a part of the brilliant company on this gala night. The play was the "School for Scandal," and the farce the "Old Soldier."

Titles came up again for discussion on the morning of the 14th. This "base business," as Maclay calls it, had gone so far that a title for Washington had been reported some days before by the Titles Committee "His Highness the President of the United States of America and Protector of the Rights of the Same." But the House of Representatives had firmly refused to concur in the report, and both Houses had in effect rejected titles. Yet a motion was made that this report in favor of titles,

¹ Griswold's "Republican Court," p. 164.

² Journal of William Maclay, p. 30.

which had been laid on the table, should be entered on the files of the Senate. Charles Carroll opposed this, and was seconded by William Maclay. The latter writes:

“Mr. Carroll expressed great dislike at the forepart of the motion, which stated the acts of the Senate to be in favor of titles, when, in fact, no such resolution ever had passed the Senate.... Mr. Carroll declared that the idea held forth was that the Senate were for titles, but it was well known they were not all for titles. He was opposed, and so were sundry other gentlemen. He wished only for a fair question, that it might be seen who were for them and who were not. He wished the yeas and nays and let the world judge.”¹

But he failed to carry his point in getting the names declared of the title-coveting members. When the address to the President was to be signed, “a mighty difficulty was signified from the chair and the wisdom of the House called on to determine if the Chair had done right.” Mr. Adams had hitherto signed his name “John Adams, Vice-President,” but it was as President of the Senate he was known in that House, said Maclay, and it was in that character he should sign his name to the acts of the Senate. “Mr. Carroll got up and said he thought it a matter of indifference, and concluded that he agreed it should be signed ‘Vice-president.’ His looks, I thought, betrayed dissent. But the goddess of good-nature will apologize for this slight aberration from sentimental rectitude. He has for some

¹ *Ibid.*, pp. 35, 36.

time past been equally with myself opposed to the opinions of the Chair, and this was his peace-offering.”¹

On the 19th, Charles Carroll of Carrollton was appointed one of a committee of three to revise the journal of the Senate for publication,² in which undertaking these gentlemen were to expunge all but the barest statements of results—all debates which would have given the record character and color. They little knew that the “journal” was to be given to their posterity a hundred years later in a guise they could never have contemplated. In a discussion on the tariff, the Impost Bill as it was called, the question of a discrimination in favor of nations having commercial treaties with the United States, came up, May 26th. “I declared for the discrimination,” writes Maclay; “Mr. Carroll rose on the same side with me.” The particular point was, whether the five cents per gallon on Jamaica spirits, in favor of France, should be stricken from the bill. Many opposed all commercial treaties, some objected to this special discrimination as likely to offend Great Britain, declaring commercial war with her. “Mr. Langdon spoke,” adds Maclay, “and seemed to be of our opinion. I did not hear a ‘no’ however, on the question but Mr. Carroll’s and my own.”³ The subject nearest the heart of the New Englanders, it seems, was the duty on molasses. They wanted it struck out altogether, or

¹ *Ibid.*, p. 39.

² History of Congress, vol. i. Senate.

³ Journal of William Maclay, pp. 51, 52.

greatly reduced, and Maclay thought, to prevent them from striking at anything else in retaliation, the duty should be reduced to four cents per gallon. "All ran smooth," he writes of the debate on the 26th, "till we came to the molasses. Till quarter after three did the New England members beat this ground, even to the baiting of the hook that caught the fish that went to buy the molasses."¹

At length the duty was reduced from five cents to four. But on the following day, immediately after the minutes were read, Caleb Strong of Massachusetts, astonished the Senate by getting up and beginning "a long harangue on the subject of molasses. One looked at another. Mr. Carroll had taken his seat next to me. Several of the gentlemen murmured. At last Mr. Carroll rose and asked pardon for interrupting any gentleman, but said that matter had been determined yesterday." The Vice-President, however, sustained Strong, on some untenable, technical ground, and it was evident to Maclay that the point had been agreed on between Adams and the New England Senators, in order to secure a greater reduction of the duty. But the question was postponed until the following day, Maclay in the meantime arming himself for the fray, getting statistics from his friends for "the war on molasses." He arrived at the hall of the Senate before any one else. "Langdon, Carroll and the Vice-President came," and the four talked together informally before the Senate opened:

¹ *Ibid.*, p. 52.

“The discourse was general on the subject of government. ‘If our new government does well,’ said our Vice-President, ‘I shall be more surprised than ever I was in my life.’ Mr. Carroll said he hoped well of it; it would be sufficiently powerful. ‘If it is,’ said Mr. Adams, ‘I know not from whence it is to arise. It cannot have energy. It has neither rewards nor punishments.’ Mr. Carroll replied the people of America were enlightened. Information and knowledge would be the support of it. Mr. Adams replied, information and knowledge were not the sources of obedience; that ignorance was a much better source.”¹

When the Senate met, after various other articles had been taken up and disposed of, Richard Henry Lee and William Grayson, the two Senators from Virginia, opposing protective duties generally, the molasses conflict was declared on again. The President of the Senate then made such an extraordinary speech, concluding “that after the four cents had been carried it was in order to move for any lower sum,” that “somebody whispered he ought to get his wig dressed.”² But the controversy ended, for the time being, leaving the duty four cents, as before determined. When the Senate met on the 29th, after steel nails, spikes, etc., the article of salt came under consideration: “Up rose Mr. Lee, of the Ancient Dominion... He concluded a lengthy harangue with a motion for twelve cents, which in his opinion was vastly too low. He was seconded by Mr. Carroll of Maryland. Ellsworth

¹ *Ibid.*, p. 54.

² *Ibid.*, p. 56.

rose for an augmentation, but said if twelve was lost he would move for nine. Lee, Carroll, Ellsworth and Mr. Morris, speakers, in favor of the augmentation.”¹ William Maclay, with Ralph Izard and William Few, spoke against the augmentation, maintaining that as salt was such a necessary of life it should be “touched with a gentle hand, if at all.” Thomas Fitzsimons, one of the Representatives from Pennsylvania, a Roman Catholic, and a personal friend of Charles Carroll’s, had furnished the latter, it seems, with “the documents which he had collected on the subject of revenue, as well respecting Pennsylvania as the Union in general.”

On the 3rd of June, Robert Morris, Charles Carroll of Carrollton, John Langdon, George Read, and Richard Henry Lee were appointed a committee to report the mode of communicating the acts of Congress “to the several States in the Union,” and the number necessary for that purpose. The report, which was brought in the following day, provided that in ten days after passing the act, twenty-two printed copies be lodged with the President, and he be requested to send two to each of the “supreme Executives in the several States.”² The “Union” at this time consisted of eleven States only, North Carolina and Rhode Island having remained in the old Confederation from which the other States had seceded. Maclay tells of an amusing scene in the Senate on the 4th, when titles were again on the carpet. The discourse was on the question of styl-

¹ *Ibid.*, p. 57, 58.

² History of Congress, vol. i. Senate.

ing the members “honorable” in the minutes, a “most serious affair,” as the Vice-President declared. He wanted “right honorable,” and Lee seconded him: “Up now rose Grayson, of Virginia, and gave us volley after volley against all kinds of titles whatever. Louder and louder did he inveigh against them. Lee looked like madness. Carroll and myself exchanged looks and laughs of congratulation.”¹

When the Impost Bill was taken up soon after, the New Englanders were for reducing the duty on molasses to three or two cents per gallon. Maclay and others spoke against the reduction. “I must not omit,” says Maclay, “that Carroll got up and spoke well on our side. He stated the inequality of duty on molasses and sugar as sweets; that a gallon of molasses was equal, as a sweet, to seven pounds of good brown sugar. Seven cents on one, four on the other.” The imposts being discussed again Friday, the 5th, the Senate came to the article of teas, “imported from any other country than China.” An amendment was moved “that should confine the direct trade from India and China to the United States to our own vessels.” Robert Morris thought the matter should be left until experience proved its necessity. “Mr. Carroll got up, said if the matter was right it should be tried now and not wait for experiment, which might be attended with detriment, and seconded the motion.”² The Senate soon after adjourned to Monday, to enable the

¹ Journal of William Maclay, p. 65.

² *Ibid.*, p. 68.

members to attend a “levee,” at which Maclay is somewhat scandalized, as important bills were waiting their action.

On the 9th he finds “a new phenomenon had made its appearance.... Pierce Butler from Carolina had taken his seat and flamed like a meteor.” The motion made Friday and seconded by Charles Carroll, had been negatived. And a report brought in by a committee on the tariff, charged such high duties that they amounted to a prohibition. Charles Carroll, with Robert Morris and three of the New Englanders, were for the report, while Few of Georgia, the two South Carolinians, and Richard Henry Lee were against it, in the discussion that ensued. Maclay did not like the report, “but concluded to vote for it, all things considered, rather than by rejecting it, to have all set afloat on that subject again.”¹ The debate waxed warm on the 11th: “Butler flamed away, and threatened a dissolution of the Union with regard to his State, as sure as God was in the firmament.” Maclay writes among his meditations of the 14th:

“My mind revolts, in many instances against the Constitution of the United States. Indeed I am afraid it will turn out the vilest of all traps that ever was set to ensnare the freedom of an unsuspecting people.... Memorandum: Get if I can, *The Federalist* without buying it. It is not worth it. But, being a lost book, Izard or someone else will give it to me. It certainly was instrumental in procuring the adoption of the Con-

¹ *Ibid.*, p. 71.

stitution. This is merely a point of curiosity and amusement to see how wide of its explanations and conjectures the stream of business has taken its course.”¹

The question was raised on the 17th, as to how the Senate should give its *advice* and *consent* to nominations made by the President. Maclay thought the matter was in the nature of an election, and the vote should be taken by ballot, “that when the person was put in nomination, the favorable ticket should have a yea and the others should be blanks.” He was seconded by Few of Georgia. Charles Carroll, among others, spoke against Maclay’s suggestion. The subject was continued the following day: “Mr. Carroll spoke long for the *viva voce* mode. He said the ballot was productive of caballing and bargaining for votes. He then wandered so wide of the subject as to need no attention.”² The vote by ballot was decided upon. The Judiciary Bill was taken up on the 22nd of June, and debated up to the middle of July.

An important bill, that for organizing the Department of Foreign Affairs, as it was called, was discussed in the Senate on the 14th of July. The resolution upon which it was based, as drawn up by Madison in the House of Representatives, contained the provisions that members of this Department “shall be appointed by the President, by and with the advice and consent of the Senate, *and to be removable by the President.*” Maclay spoke at length on the subject of the President’s power as defined

¹ *Ibid.*, p. 75.

² *Ibid.*, p. 80.

by the Constitution. The President, he said, should not have the power of removal from office since he had not the power of appointment; "The depriving power should be the same as the appointing power." The next day the journalist continues,

"Mr. Carroll showed impatience to be up first. He got up and spoke a considerable length of time. The burden of his discourse seemed to be the want of power in the President, and a desire of increasing it. Great complaints of what is called the *atrocious assumption of power in the States*. Many allusions to the power of the British kings. *The King can do no wrong*. If anything improper is done, it should be the Ministers that should answer. How strangely this man has changed!"¹

The two who were allies at the beginning of the session were now drifting widely apart. John Adams considered this debate on the power of removal of so much importance that he has made notes of it which are fuller than those of Maclay, though he has omitted points which had struck his opponent. Carroll's speech as minuted by the Vice-President is as follows:

"The executive power is commensurate with the legislative and judicial powers. The rule of construction of treaties, statutes and deeds. The same power which creates must annihilate. This is true where the power is simple, but when compound not. If a minister is suspected to betray secrets to an enemy, the Senate not sitting, can not the President displace nor suspend?"

¹ *Ibid.*, p. 113.

The States-General of France demanded that offices should be during good behavior. It is improbable that a bad President should be chosen—but may not bad Senators be chosen? Is there a due balance of power between the executive and legislative, either in the General Government or State Governments? (Montesquieu quoted here). English liberty will be lost when the legislative shall be more corrupt than the executive. Have we not been witnesses of corrupt acts of legislatures, making depredations? Rhode Island yet perseveres.”¹

The Senate was equally divided on the question, nine for and nine against the President’s “unqualified power of removal” and the casting vote of the President of the Senate decided it in favor of the Executive. Maclay describes the excitement in the Senate on the 16th, when the vote was taken; the “huddling away in small parties,” John Adams being “very busy indeed, running to every one.” Then the Senate met and a heated debate ensued, after which several changed sides; “But now recantation was in fashion.” When it was found out the vote was a tie, “the Vice-President with joy cried out, ‘It is not a vote’ without giving himself time to declare the division of the House and give his vote in order.” Of William Grayson’s speech on this occasion, Maclay says; “It was not long but he had in it this remarkable sentence; ‘The matter predicted by Mr. Henry is now coming to pass; consolidation is the object of the new Government, and

¹ Adams’s “Works of John Adams,” vol. iii., pp. 408-412.

the first attempt will be to destroy the Senate, as they are the representatives of the State Legislatures.’”¹

The Judiciary Bill, or bill to establish the Federal Courts was passed on the 17th of July. Charles Carroll of Carrollton had been on the committee appointed to prepare it, and of course gave his vote for it. Those voting against it were Pierce Butler, William Grayson, John Langdon, Richard Henry Lee, William Maclay and Paine Wingate.² “I opposed this bill from the beginning,” writes Maclay; “It certainly is a vile law system, calculated for expense and with a design to draw by degrees all law business into the Federal Courts. The Constitution is meant to swallow all the State Constitutions by degrees, and thus to swallow, by degrees, all the State judiciaries.”³

On the 20th July, Maclay went home on three weeks leave of absence, in bad health, and in low spirits at the course of the Federalists who were shaping the new Government into a form at variance with the principles of the Constitution, as he believed. This same day the Impost Bill passed to a second reading, and was committed to Morris, Langdon, Carroll, Dalton, and Lee for additions and alterations.⁴ The bill for allowing compensation to the President and Vice-President of the United States, on its second reading, August 6th, was re-

¹ Journal of William Maclay, p. 116.

² History of Congress, vol. i. Senate.

³ Journal of William Maclay, p. 117.

⁴ History of Congress, vol. i. Senate.

ferred to a committee of eleven, which included Charles Carroll of Carrollton.¹ Ralph Izard, Rufus King, and Charles Carroll were at the same time appointed a committee to wait on the President of the United States, and confer with him on the mode of communication proper to be pursued between him and the Senate, in the formation of treaties, and making appointments to offices.²

William Maclay, returning to his post of duty, makes the first entry in his journal, on Sunday, August 16th. He goes that day to see his friends, and to hear of what has transpired in his absence. The "Court party," as he calls the Federalists, "is gaining ground," as he understands. Washington had dined and wined the Senators and expressing at his table his objection to the voting by ballot in agreeing to his nominations, this was to be abandoned for the *viva voce* vote. The report of the committee of three appointed to confer with the President, was taken up on the 21st, and contained the resolution, "declaring that the Senate should give their advice and consent in all cases [to presidential nominations] *viva voce* vote." And Robert Morris urged his colleague to change his views on this point, as the Senate had done, "for his own sake," which Maclay interprets to mean that otherwise he will be neglected in official circles. Despite this warning he gives an audible "No," against the resolution, which found only one faint echo from the other side of the Senate: "so that now the Court

¹ *Ibid.*

² Executive Journal, 1789.

party triumphs at large.”¹ Maclay pictures the scene in the Senate, on the 22nd, when the President and Secretary of War come in, bringing a treaty with the Southern Indians, which the Senators are expected to consent to simply on hearing it read. When the whole matter was postponed and referred to a committee, the President “wore an aspect of stern displeasure,” and withdraws at length “with a discontented air”; and adds Maclay naïvely, “had it been any other man than the man who I wish to regard as the first character in the world, I would have said, with sullen dignity.”² When the President appeared again in the Senate on Monday, the 24th, he had recovered his equanimity, and was “placid and serene,” consenting to amendments to the articles of the treaty. The Compensation Bill was debated the following day. This was the act to fix the compensation, or *per diem* of members of the Senate and House of Representatives, and the officers of both branches of Congress. Maclay moved that the pay be five dollars a day, and Robert Morris wanted it eight, the two Pennsylvanians representing opposite theories here as on other occasions. The one advocated economy and plain living, the other a handsome income which should be spent freely. At length Rufus King moved for a committee, as it was a matter “of a delicate nature,” to whom the bill might be referred. The committee of five appointed included Charles Carroll of Carrollton.³

¹ Journal of William Maclay, p. 127.

² *Ibid.*, p. 131.

³ History of Congress, vol. i., Senate; Journal of William Maclay, p. 135.

The debate on the permanent residence of Congress was the chief subject of interest in the Senate from this time on to its adjournment. But there was also another matter of importance receiving its attention, namely the proposed amendments to the Constitution. The Federalists had many of them agreed to these amendments, in the State Conventions, and had pledged themselves to secure them, after the adoption of the Constitution, in the manner provided by that instrument. On the 25th of August the Senate considered the resolve of the House of Representatives, "that certain Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States."¹ In spite of his not playing the courtier, Maclay finds himself dining with the President on Thursday, August 27th, where he meets Mrs. Washington, Mr. and Mrs. Adams, and a number of other prominent persons. "It was a great dinner," he tells us, "and the best of the kind I ever was at." But after giving the bill of fare, he adds: "It, was the most solemn dinner ever I sat at. Not a health drunk; scarce a word said until the cloth was taken away." Then healths were drunk all round, the ladies sitting a good while, but "a dead silence almost," and after they withdrew it continued nearly as dull.² Charles Carroll was, probably, often a guest at the dinners of the President, and it is not likely they were as stiff, on every occasion as the one here described.

¹ History of Congress, vol. i. Senate.

² Journal of William Maclay, p. 137.

When the report of the committee on the Compensation Bill was taken up in the Senate, August 28th, “the doctrine seemed to be that all worth was wealth, and all dignity of character consisted in expensive living.” All the members of the committee, except Lee and Carroll, are mentioned as speaking boldly in advocacy of high salaries, and the majority in the Senate voted as if they endorsed these views. “Mr. Carroll of Maryland,” adds Maclay, “though the richest man in the Union was not with them.”¹ Maclay received a storm of abuse for his efforts to have no discrimination made between the pay of Senators and that of Representatives. The salary bill, fixing the pay of Federal officers, was discussed on the 1st of September, and Maclay, though ill and suffering “extreme pain,” sat through the session, that his vote might be given, as the parties were evenly balanced, and he had the satisfaction of knowing that his suffrage decided “in favor of the lowest sum.” But the next day he was not able to attend, and advantage was taken of his absence to increase the salaries in several instances.

At this time the Senate voted on the clause in the amendments to the Constitution, increasing the number of Representatives. It was provided by Article I. of the Constitution, that after the first enumeration of inhabitants “there shall be one Representative for every 30,000 until the number shall amount to 100.” And the amendment was to strike out “one” and make it “two” hundred.²

¹ *Ibid.*, p. 139.

² History of Congress, vol. i. Senate.

The motion was defeated, Charles Carroll and John Henry voting with the majority, and Maclay's vote would no doubt have been in favor of the amendment. But Maclay remained confined to his room with a lame leg, suffering also from the doctors, as he says, and unable to get information of all that was going on in the Senate and out of it, "or to minute it down if I could," he adds. Among the sick man's callers on the 11th was "Mr. Carroll of Carrollton," who came in company with Dr. Johnson, one of the Senators from Connecticut.¹

The President sent a message to the Senate on the 17th, on the subject of treaties with the Indians. It was committed to Charles Carroll, Rufus King, and George Read. The President wished to know whether a treaty "is to be considered as ratified" simply by his proclamation. Carroll brought in the report of the committee the following day, to the effect, "That the signature of treaties with the Indian nations has ever been considered as a full completion thereof."² Maclay is again in his place on the 21st of September, ready for the debate on the permanent seat of government, in which he is deeply interested as a Pennsylvanian, a site on the banks of the Susquehanna being then fixed upon. The bill was debated on the 22nd, 23rd, and 24th. As he went into the Hall early on the 23rd, Maclay says, "Mr. Carroll came in; told me Mr. Morris was against the bill and wanted to bring forward 'Germantown' and the 'Falls of the Delaware.'" And Morris

¹ Journal of William Maclay, p. 151.

² History of Congress, vol. i. Executive Journal.

moved to strike out the proviso in the bill, which required Pennsylvania and Maryland to provide for removing the obstructions to the navigation of the Susquehanna, below the site to be selected. “Mr. Carroll got up and answered Mr. Morris mildly,” writes Maclay.¹

John Adams who has preserved a record of the debate, gives Carroll as “against the motion to expunge the proviso; considers the Western country of great importance. Some gentlemen in both Houses, seem to under-value the western country, or despair of commanding it. Government on the Potomac would secure it.”² Maclay was quite certain that “if the proviso is struck out, the two Marylanders will vote against us.” Robert Morris and some of the Pennsylvanians in the House of Representatives were playing a shifting game, saying in effect, as Pierce Butler put it: “Let us keep the Federal town on the Susquehanna, and let there be no navigation out of it, and then you must come to Philadelphia. But, rather than have the Susquehanna opened which will take some of our trade away, we will not let you put the Federal town there.”³ Maclay talked much, and worked hard, to get the bill passed as it then was, prophesying, “that at the next session Virginia would come forward with five members from North Carolina, and be joined by two or three from Pennsylvania, and we should infallibly go to the Potomac.”⁴

¹ Journal of William Maclay, p. 160.

² Works of John Adams, vol. iii., pp. 412, 413.

³ Journal of William Maclay, p. 159.

⁴ *Ibid.*, p. 161.

On the second reading of the bill to establish the seat of government, the motion was made by William Grayson and Richard Henry Lee, to strike out “in the State of Pennsylvania” after the word Susquehanna, and it was lost, Carroll and Henry voting for the amendment and Maclay, of course, against it.¹ Then Grayson and Lee moved for the Potomac and it was carried against them. Robert Morris moved that the ten miles square be located at Germantown, adjoining the city of Philadelphia, pledging the State to give \$100,000 for this object. The vote was equally divided, and John Adams decided it in favor of Morris’s amendment, much to Maclay’s disgust. On the 25th, Charles Carroll moved “to strike out the residence being in New York until the Federal building should be erected,” and Maclay voted with him. Congress adjourned on the 29th of September, and Maclay, very glad to be rid of his political vexations, took a place in the stage and set off for Philadelphia on his way home.²

Charles Carroll of Carrollton doubtless hurried back to Maryland that he might have some time for his personal and plantation affairs, before the opening of the Assembly. He spent the month of October, probably, at “Doughoregan Manor,” and early in November we find him in Annapolis, appearing in the Senate on the 4th. John Eager Howard, one of Carroll’s warm friends, the hero of Cowpens, was elected Governor of Maryland on the 16th, and on the following day Charles Carroll and

¹ *Ibid.*, p. 164; History of Congress, vol. i. Senate.

² Journal of William Maclay, p. 169.

Richard Ridgeley were appointed to join a committee of the House “to prepare an address to the President of the United States.” Carroll was made chairman of two other committees also about this time. On the 30th of November, when the “Act to ratify certain articles in addition to and amendment of, the Constitution of the United States of America, proposed by Congress to the Legislatures of the several States,” was read a second time, it was moved and seconded that the Senate agree to the second Article. This second Article of the Amendments, as passed by Congress in the Resolve of the House of Representatives of August 24, 1789, and agreed to later by the Senate, related to the compensation of Senators and Representatives—and provided that laws to vary this pay should not take effect until an election had intervened. The “Act to promote the gradual abolition of slavery, and to prevent the rigorous exportation of negroes and mulattoes from the State,” was committed, December 4th, after some debate, to Charles Carroll and two other gentlemen, who were instructed to confer on the subject with a committee of the House. Charles Carroll reported from the committee to prepare a message to the House, as follows:

“Gentlemen:

A bill for the gradual abolition of slavery, and for preventing the rigorous exportation of negroes and mulattoes from this State, has been originated in this House, and lain some time for consideration. The great importance of this subject, whether considered with a view to the persons whom it concerns, or to the advantage and hap-

piness of the community at large, appears to be such as to require peculiar investigation, and the most serious attention of the legislature. Hence it is conceived, that discussion of this subject by a joint committee of both Houses will be proper, that by a candid exchange of sentiments such a system may be reported, as will be thought most agreeable, as well to the sense of both branches of the legislature, as to the sense of our fellow-citizens. With this view we have framed the resolution which accompanies this message, and do request that a committee be appointed, on the part of your House, to investigate the subject of the bill above mentioned, with the committee chosen on the part of the Senate, to whom under this expectation we have referred the same.”¹

The House apparently took no notice of this message, and December 15th, it was ordered that this bill be referred to the next session. Other committees of importance appointed by the Senate of which Charles Carroll was made chairman were the following: the committee to prepare amendments to “the act to dispose of the reserved lands westward of Fort Cumberland in Washington County, and to fulfill the engagements made by the State to the officers and soldiers of the Maryland Line in the service of the United States;” and the act respecting the debtors and creditors of the State, “under the act to establish funds to secure the payment of the State debt within six years, and for the payment of the annual interest thereon.”² The Senate adjourned on Christmas-day.

¹ Journal of the Maryland Senate.

² *Ibid.*

About this time the Roman Catholics of America presented an address to General Washington, as President of the United States, which was signed on behalf of the clergy by the Bishop-elect of Baltimore, the Rt. Rev. John Carroll, and on behalf of the laity by Charles Carroll of Carrollton and Daniel Carroll, Dominick Lynch of New York, and Thomas Fitzsimons of Pennsylvania. Washington replied in a courteous letter, dated March 12th, 1790.¹

The second session of the first Congress met in New York on the 4th of January, 1790, and John Henry arrived on the 19th. But it was not until the 15th of March that Charles Carroll took his seat. Maclay reached New York on the 5th of January, and was in the Senate the following day. North Carolina sent in her ratification of the Constitution at this time, and her Senators soon after took their seats.² Maclay tells of the President's address to Congress, and the answer to it; of his dining with Washington, and being treated with great attention. "He is but a man, but really a good one, and we can have nothing to fear from him, but much from the precedents he may establish," is the conclusion of the Democratic Senator. The bill to promote the progress of useful arts, on its second reading, March 15th, was committed to Carroll, Johnson, Maclay, Few, and Paterson,³ Charles Carroll having arrived in the Senate that day. A characteristic conversation that John Adams has with the distinguished Marylander, two days

¹ Life and Times of Archbishop Carroll, pp. 348, 350.

² History of Congress, vol. i. Senate.

³ *Ibid.*

later, has been preserved in Maclay's journal. He writes:

“Before the Senate was formed this morning, Mr. Carroll of Carrollton happened to be sitting next to me. We were chatting on some common subject. The Vice-President was in the chair which he had taken on the performance of prayer. He hastily descended and came and took the chair next to Mr. Carroll's. He began abruptly: ‘How have you arranged your empire on your departure? Your revenues must suffer in your absence. What kind of administration have you established for the regulation of your finances? Is your government intrusted to a viceroy, nuncio, legate, plenipotentiary, or *chargé d'affaires*?’ etc. etc. Carroll endeavored to get him down from his imperial language by telling him he had a son-in-law who paid attention to his affairs, etc. ’T was in vain. Adams would not dismount his hobby. At it again; nor was there an officer in the household, civil or military departments of royal or imperial government that he had not an allusion to. I pared my nails and thought he would soon have done, but it is no such easy thing to go through the detail of an empire. Guardian goddess of America, canst thou not order it so, that when thy sons cross the Atlantic they may return with something else besides European forms and follies? But I found this prayer ruffled me a little, so I left them before Adams had half settled the empire.”¹

Mrs. Caton accompanied her father to New York at this time, where she became a favorite in society,

¹ Journal of William Maclay, p. 216.

and was admired both for her beauty and amiability, General Washington, it is said, being very fond of her. And her portrait, painted by Robert Edge Pine,¹ preserved by her descendants is full of grace and charm.

The Assumption Bill, Alexander Hamilton's scheme for funding the State debts, was agitating Congress at this its second session. It was a measure vehemently opposed by the Democrats, as calculated to give too much power to the general government. Charles Carroll was in favor of it, and Maclay writes on the 22d of a visit he pays Carroll with another gentleman: "We got on the subject of the State of South Carolina having instructed their representation. Could any hints have gone from here, said he, to set them on this measure? He [Carroll] is a Roman Catholic, and the intimate friend of Mr. Fitzsimons."² Mr. Fitzsimons who was one of Hamilton's supporters, it seems, had gone back to Pennsylvania to prevent that State from instructing her delegates as to how they should vote, and Maclay thinks he is suspected of having been working for the same end, though with an opposite motive. Charles Carroll brought in a report on the bill for promoting the progress of useful arts, and twelve amendments were added to it, March 30th. On this same day the bill for regulating the military establishment of the United States was committed to Few, Ellsworth, Butler, Schuyler, Carroll, Langdon, and Strong. Mr. Few reported

¹ Griswolds's "Republican Court," p. 209.

² Journal of William Maclay, p. 220.

this bill on the 6th of April.¹ “Some trifling amendments were made in the compensation to the officers,” writes Maclay, “but the bill was materially the same... I spoke against the whole bill, as the egg from which a standing army would be hatched, as it is a standing army in fact, for the smallness of the number does not diminish the principle.”²

The progress of the Revolution in France could not fail to be of deep interest to Americans, and as yet Federalists and Democrats had not divided on the question of its merits as they were to do subsequently. So Maclay records one day:

“Carroll of Carrollton edged near me in the Senate Chamber and asked me if I had seen the King of France’s speech, and the acts of the ‘*Tiers États*,’ by which the distinctions of the nobility were broken down. I told him I had, and I considered it by no means dishonorable to us that our efforts against titles and distinctions were now seconded by the representative voice of twenty-four millions. A flash of joy lightened from his countenance. How fatal to our fame as lovers of liberty, would it have been had we adopted the shackles of servility which enlightened nations are now rejecting with detestation!”³

The Military Bill was discussed, at intervals, from April 15th to April 21st, when it passed the Senate, with amendments. It was said by the friends of the bill that the troops were augmented because Georgia wanted them to protect her from the Indians, and Charles Carroll took this ground in advocating the

¹ History of Congress, vol. i. Senate.

² Journal of William Maclay, p. 232

³ *Ibid.*, p. 233.

measure. But Gunn of Georgia said that Georgia was at peace, and there was no need to increase the troops on her account. Rufus King asserted that soldiers were wanted because there was a conspiracy between the Kentuckians and the Spaniards, and Maclay arose in great indignation, to defend “the characters of the people on the Western waters.” Maclay maintained that the Constitution never contemplated a standing army in time of peace—“a well-regulated militia” was provided, and that was all. And he declared that the Constitution of Pennsylvania was abhorrent of a standing army, and it was to be inferred that the United States Constitution was equally opposed to it. “Ellsworth asserted that military establishment meant and could mean nothing short of a standing army. Carroll used the same language, and expressly said, that though the Constitution of Pennsylvania might forbid it, we were not to be governed by any State Constitution.”¹

When the Senate met on the morning of the 22d of April, the news had just been received of the death of Benjamin Franklin. The House of Representatives voted to wear crape on their arms for a month, in honor of this distinguished man but in the Senate it was observed that they had “suffered Grayson to die without any attention to his memory, though he belonged to our body, and perhaps had some claims to a mark of sorrow.” So when Charles Carroll of Carrollton rose, the next day, and made a motion that the Senate should follow the example

¹ *Ibid.*, p. 245.

of the House and wear crape for the loss of Dr. Franklin, some members objected, Maclay says, to gratify the South Carolinians who hated Franklin. He had made himself obnoxious by signing one of the first memorials by which Northern Abolitionists sought to influence Congress in an unconstitutional interference with property rights at the South. Maclay had seconded Carroll's motion, but, he adds, "as the matter strictly speaking, was not senatorial or such as belonged to us in our capacity as a public body, and as it was opposed, Carroll looked at me, and I nodded assent, and it was withdrawn."¹

Rhode Island had not as yet joined the new Union and it was now proposed to make her suffer for her delay. Maclay, in his dryly sarcastic manner, reports that on the 28th, "as we had nothing to do in the Senate, Carroll moved for a committee to consider what was to be done about Rhode Island, etc. One was accordingly appointed." It was ordered that Carroll, Ellsworth, Morris, Izard, and Butler "be a committee to consider what provisions will be proper for Congress to make in the present session respecting the State of Rhode Island." The "agitating the affair of Rhode Island," was considered by Maclay and his friends as "only to furnish a pretext to raise more troops," and he regarded Carroll as a tool of "the Secretaries" (Hamilton and Knox) in bringing it forward. This committee reported through its chairman on the 5th of May, and the subject was considered on the 10th, Morris finally reporting the bill, "to prevent bringing

¹ *Ibid.*, p. 247.

goods, wares and merchandise from the State of Rhode Island and Providence Plantation into the United States, and to authorize a demand for money from the said State.”¹ It was recommitted and Charles Carroll reported additional clauses on the 18th of May, when the bill passed, Maclay with Lee and Walker of Virginia, Butler of South Carolina, Henry of Maryland, and others voting against it. It was a subject which in a great measure was a party one, dividing the Federalists and Democrats.

Maclay writes on the 5th of May: “The Rhode Island committee reported. The amount of it was to put that State in a kind of commercial coventry, to prevent all intercourse with them by the way of trade. I think the whole business premature.” He spoke against the “Rhode Island resolves” on the 10th, declaring:

“That the business was under deliberation in Rhode Island; that the resolves carried on the face of them a punishment for rejection, on the supposition that they would ruin our revenue. Let us first establish the fact against them that an intercourse with them had injured our revenue before we punish them with a prohibition of all intercourse. This resolution I considered premature. The other for the demand of twenty-seven thousand dollars I considered as equally so. Let the accounts be settled, and Rhode Island has a right to be charged with, and has a right to pay her proportion of the price of independence. By the present resolutions the attack comes visibly from us. She is furnished with

¹ History of Congress, vol. i. Senate.

an apology and will stand justified to all the world if we should enter into any foreign engagements.”

Again on the 11th, “the Rhode Island resolutions were taken up,” says Maclay; “They admitted on all hands that Rhode Island was independent, and did not deny that the measures now taken were meant to force her into an adoption of the Constitution of the United States, and founded their arguments in our strength and her weakness. I could not help telling them plainly that this was playing the tyrant to all intents and purposes.” On the 14th, when the Rhode Island bill was under discussion again, Maclay writes: “I contented myself with giving my negative to every particle of it. I knew I could gain no proselytes, and that, as the bill could not be justified on the principles of freedom, law, the Constitution, or any other mode whatever, argument could only end in anger.” The “Yorkers,” he says, only thought of getting in two more Senators, on whose votes they could count, in regard to the question as to the permanent residence of Congress. And Ralph Izard of South Carolina, who nevertheless voted for the bill, declared: “If gentlemen will show us how we can accomplish our end by any means less arbitrary and tyrannical I will agree with them.” Robert Morris, another warm advocate of the resolutions, said of the money clause: “This is the most arbitrary of the whole of it.”

Richard Henry Lee made a long speech against the bill on the 18th, and Maclay made a last effort on the same side:

“The bill had been assigned to various motives, self defence, self preservation, self interest, etc. I began with observing that the Convention of Rhode Island met in a week; that the design of this bill was evidently to impress the people of Rhode Island with terror. It was an application to their fears, hoping to obtain from them an adoption of the Constitution, a thing despaired of from their own free will, or their judgment. It was meant to be used in the same way that a robber does a dagger, or a highwayman a pistol, and to obtain the end desired by putting the party in fear; that where independence was the property of both sides, no end whatever could justify the use of such means in the aggressors.”¹

Here were the seceding States of 1787 endeavoring to force Rhode Island into their new Union in 1790 by tyrannical resolutions and penalties, as unjustifiable almost as a recourse to arms. Twelve Senators voted for and eight against the bill. Both South Carolina and Maryland gave one vote on this occasion, in opposition to States Rights, and Carroll and Izard were the only two Southern men who took the affirmative side on this question. But no statesman of this epoch could have contemplated the actual “tyranny” of making war upon Rhode Island to bring her into the Union. The spectacle was reserved for the succeeding century, of a set of sovereign States forcing, by a resort to arms, other States, “where independence was the property of both sides,” into a “Union” they did not desire; an arbitrary and iniquitous course, not to be “justi-

¹ Journal of William Maclay, pp. 258, 259, 263, 264, 266, 267.

fied on the principles of freedom, law, the Constitution, or any other [doctrine] whatever. No end whatever could justify the use of such means in the aggressors.”

CHAPTER V.

FEDERAL AND STATE POLITICS.

1790–1792.

THE bill “providing for means of intercourse between the United States and foreign nations,” at its second reading in the Senate, on the 3d of May, was committed to Strong, Ellsworth, Carroll, Maclay, and Few.¹ Maclay writes of the debate this day “on the subject of etiquette, and the expense attending and necessary to constitute the very essence of an ambassador.” An appeal was made to the Chair, and Maclay disbelieved John Adams’s “tales of a traveller,” and “voted in the face of all his information. A commitment of the bill was called for,” he adds, “and I was, contrary to my expectations, put on it.” Three days later he reports of the proceedings of this committee:

“On the bill for the salaries of ministers plenipotentiary, *chargé d’affaires*, etc. I bore my most pointed testimony against all this kind of gentry; declared I wished no political connection whatever with any other

¹ History of Congress, vol. i. Senate.

country whatever. Our commercial intercourse could be well regulated by consuls, who would cost us nothing. All my discourse availed nothing. The whole committee agreed with me that they were unnecessary. Why then appoint any, or make provision for the appointment of any, for so sure as we make a nest for one the President will be plagued till he fills it? We agreed to the bill as it stood, but I proposed twice to strike out all about ministers plenipotentiary.”¹

The committee met the Secretary of State by special appointment on the evening of the 24th, and an interesting description is given by Maclay of Thomas Jefferson, the slender figure, lounging manner, and face with a “sunny aspect,” impressing the austere Pennsylvanian as wanting in dignity, while his discourse “partook of his personal demeanor. It was loose and rambling, and yet he scattered information wherever he went, and some even brilliant sentiments sparkled from him.” But Maclay evidently did not think Jefferson much more reliable than Adams on the subject under discussion.

“The information which he gave us respecting foreign ministers, etc., was all high-spiced. He had been long enough abroad to catch the tone of European folly. He gave us a sentiment which seemed rather to savor of quaintness. ‘It is better to take the highest of the lowest than the lowest of the highest.’ Translation: ‘It is better to appoint a *chargé* with a handsome salary than a minister plenipotentiary with a small one.’ He took his leave and the committee agreed to strike out the specific sum to be given to any foreign appointment, leaving it to the

¹ Journal of William Maclay, p. 257.

President to account, and appropriate thirty thousand dollars generally for that purpose.”¹

Two bills debated in the Senate at this time were the Funding Bill and the Bill for the Permanent Residence of Congress. With the latter went the discussion of an adjournment for the next session from New York to Philadelphia, a motion which met with much opposition from certain quarters. And William Maclay’s journal gives us some idea of the excitement the intrigues on this subject occasioned. “How shall I describe,” he writes on the 8th of June, “this day of confusion in the Senate.” The proposed removal to Philadelphia was the burning topic of the hour. The South Carolinians wanted to remain in New York until the site of the Federal city was selected: “Now it was that Izard flamed and Butler bounced, and both seemed to rage with madness,” reports the Pennsylvanian. He makes no mention of Charles Carroll on this day, but mentions him as speaking on the 1st of June, and Maryland’s votes with those of Virginia, were counted by Maclay as favoring the move to Philadelphia.²

Charles Carroll was appointed on the 8th of June, one of a committee of three, to consider the matter of adjournment, and the business it was necessary to finish at this session.³ The House of Representatives, about this time, voted for the temporary residence of Congress to be in Baltimore, of which “Butler wished Carroll joy,” Maclay writes. The latter preferred Baltimore to New York, and after

¹ *Ibid.*, p. 272.

² *Ibid.*, pp. 279, 285.

³ History of Congress, vol. i. Senate.

visiting Mr. Jefferson's office on some business, before going to the Senate on the 14th, he called at the lodgings of Mr. Carroll, "to forewarn him that an objection would be made to Baltimore that there were no public buildings, and that he should be prepared on this subject."¹ On the 24th of June, the bill for establishing a "post-office and post-roads within the United States," which had been read the first time two days before, was committed to Johnston, Langdon, Carroll, Strong, and Maclay.

A meeting of the committee took place early the following morning, and Maclay tells of a conversation had with Charles Carroll on this occasion: "I found Mr. Carroll there. We had much loose talk. He told me his plan, which was to take Butler's bill [relating to the Federal city], amended so that the residence should be ten years in Philadelphia, at the end of which the permanent residence should be on the Potomac." The Post-Office committee met again on the 26th. Maclay writes:

"The bill came up from the Representatives with every post-road described, both main and cross roads. Carroll and Strong were for blotting out every word of description, and leaving all to the Postmaster-General and the President of the United States. I proposed a different plan: that one great post road should be described by law from Portland, in New Hampshire, to Augusta, in Georgia, passing through the seats of the different governments, and that two cross-roads only should be described from New York to Canada, and

¹ Journal of William Maclay, pp. 289, 291.

² History of Congress, vol. i. Senate

from Philadelphia or some other proper place to Fort Pitt, for the accommodation of the Western country. The other, or block system prevailed.”¹

When the committee met on Monday, the 28th, there was “such running and caballing of the Senators nothing could be done.” The Residence Bill was coming up, and little else could be thought of. Richard Henry Lee and Charles Carroll were the leaders in the Senate who advocated the Potomac for the permanent residence of Congress, and Madison pressed its claims in the House, while the President was known to favor the river on which was located his beloved “Mount Vernon.” Maryland had made the most generous offer of territory for this purpose, proposing, through her Representatives, to cede to the United States a district ten miles square in any portion of her territory which Congress might select. So, though the Susquehanna and the Delaware made rival bids, the Potomac carried off the prize, as it was considered. William Maclay, who favored the river of his own State was suspicious of his Maryland friend at this juncture, and thought he was temporizing with the “Yorkers.” He speaks of the Potomac party in the Senate as “Carroll and Co.” However, when the vote was finally taken, June 30th, giving the temporary residence to Philadelphia for ten years (this clause having been moved by Charles Carroll on the 29th) and the permanent residence to the Potomac, Maclay professed himself satisfied.

¹ Journal of William Maclay, p. 308.

“I am fully convinced Pennsylvania could do no better. The matter could not be longer delayed. It is in fact, the interest of the President of the United States that pushes the Potomac. He [Washington], by means of Jefferson, Madison, Carroll and others, urged the business, and, if we had not closed with these terms, a bargain would have been made for the temporary residence in New York.”¹

Next in the order of business, but as many of the legislators believed, far transcending the Residence Bill in importance, was that for the Assumption and Funding of the State debts. And here Charles Carroll also bore a leading part. Maclay as a good Democrat, and a conscientious opponent of Hamilton, upon whose report made in March the bill was based, took strong grounds against it in all its features. He was fully persuaded that the majority of those who supported it were bribed, and that the bargain had been “to give the Assumption of State debts for the residence.” Maclay himself was approached more than once on this point, and told that if he would vote for the Assumption he might obtain the Federal city for the Susquehanna, a proposition he spurned with scorn. The vote on the bill was fourteen to twelve. Jefferson has recorded how he was duped into turning the scale, by securing Virginia’s vote for the Assumption. The bill had been rejected in the House about the time of his arrival in New York:

“So high were the feuds excited by this subject, that on its rejection business was suspended. Congress met

¹ *Ibid.*, p. 312.

and adjourned from day to day without doing anything, the parties being too much out of temper to do business together. The Eastern members particularly, who with Smith from South Carolina, were the principal gamblers in these scenes, threatened a secession and dissolution.”¹

Hamilton pointed out to Jefferson “the danger of the secession of their members, and the separation of the States,” and Jefferson, who knew nothing of the circumstances, to “save the Union” agreed to invite a friend or two to dinner to discuss the subject. So two of the “Potomac members,” White and Lee, over a bottle of wine, were induced to change their votes.

It was moved in the Senate, June 14th, “that provision shall be made the next session of Congress for loaning to the United States a sum not exceeding twenty-two millions of dollars,” and on the 2d of July this resolution was referred to a committee consisting of Charles Carroll, Richard Henry Lee, Strong, Ellsworth, and Paterson.² Carroll brought in his report on the 12th, that the loan should be made “in certificates issued by the respective States for services or supplies towards the prosecution of the late war.” Maclay was one of the committee on the original Funding bill, for funding the Federal debt, a committee which had been appointed June 11th, and reported on the 15th of June, and of the proceedings of the 2d of July he writes: “Ellsworth moved a commitment of the resolution with

¹ “Works of Thomas Jefferson,” Congress Edition, vol. ix., p. 92.

² History of Congress, vol. i. Senate.

regard to the State debts. I saw we were taken unawares on this subject. They carried the commitment and the committee both against us. Carroll joined them.” He writes again on the 12th:

“A number of us gathered in a knot and got on the subject of the assumption, the report of which had just been handed in by Mr. Carroll. It was in favor of it. And now from every appearance Hamilton has got his number made up. He wanted but one vote long ago. The flexible Read was bent for this purpose some time ago, and Carroll having joined to make up the defection of King. The mine is ready to be sprung. Since I am obliged to give up Carroll’s political character, I am ready to say, ‘Who is the just man that doeth right and sinneth not?’”¹

On the 15th, Maclay continues:

“The Vice-President took up the Funding bill without any call for it.... I saw Carroll writing a ticket with a number of names on it, sand and put it by. In the meantime up rose Ellsworth, and moved that both the Funding bill and the resolutions for the assumption should be referred to a committee. The VicePresident, who was to appearance in the secret, seemed impatient until I had done, and putting the question it was carried.... They carried the committee, all of their own number. This done, the Senate adjourned. Henry came and sat beside me a good while. He told me that Carroll wrote his ticket with the seven names (that being the number of the committee) before any business whatever was done. This I had observed in part myself. We did not need this demonstration

¹ Journal of William Maclay, pp. 314, 322.

prove that the whole business was prearranged, nor can any person be now at a loss to discover that all three subjects—residence, assumption, and the funds equivalent to six per cent [Maclay had voted for four per cent]—were all bargained and contracted for on the principle of mutual accommodation for private interest.”¹

And Washington was, after all, at the bottom of the whole thing. Maclay concludes, the “best interests” of the people were “sacrificed to the vain whim of fixing Congress and a great commercial town (so opposite to the genius of the Southern planter) on the Potomac.” These were severe animadversions upon his hero, Washington, and upon the upright and public-spirited Marylander, Charles Carroll of Carrollton. It was true, no doubt, that South Carolina and Massachusetts, having the largest State debts, wanted them assumed by the general government; that New York, Pennsylvania, and Maryland all had delegates in the House or Senate who were not opposed to the assumption, and would vote for it, perhaps, the more readily if they thereby secured a vote in return for the particular modification of the Residence Bill they favored. The objections to the Funding and Assumption Bill, the two separate measures having been amalgamated into one, were, in the eyes of the States Rights advocates, the approaches towards centralization the project involved.

Maclay believed that it lowered the power of the State; that it would complete “the pretext for seizing every resource of government and subject of

¹ *Ibid.*, pp. 327, 328.

taxation in the Union, so that even the civil list of the respective governments would have to depend on the Federal Treasury;" and he maintained also, that the large sum assumed, was intended to cover the speculations that had been made in the State debts. Virginia, through her Legislature, protested against the bill as unconstitutional, and oppressive, as it taxed the States unevenly, the citizens of those States which had paid their debt being forced to pay the debts of those States which were delinquent. And the fact became apparent, in due time, that the public debt had been increased unnecessarily to twenty-one million dollars, when eleven millions would have been amply sufficient.

The funding system, as against the plan hitherto pursued of compounding with public creditors, was opposed by Maclay upon "republican as well as economical principles." And he states the position of those who advocated it in the United States, in the course of his argument against what he thinks so detrimental to the Federal Republic. He says: "I deny the power as well as the justice of the present generation charging debts, more especially irredeemable ones, upon posterity; and I am convinced that they will one day negative the legacy." "But," he adds, "I will take gentlemen at their word, and believe that it is the glare of British grandeur, supposed to follow from her funds, that has influenced their conduct, and that their intentions are pure, wishing to render America great and happy by a similar system."¹ And whatever may be thought

¹ *Ibid.*, p. 337.

of some others, with these motives we may no doubt credit George Washington, and Charles Carroll of Carrollton.

The following letter, in Charles Carroll's handwriting, dated on Sunday, two days before the vote was taken on the "Consolidated Funding Bill," as Maclay calls it, was forwarded by the Maryland Senators to John Eager Howard, Governor of the State:

NEW YORK, July, 18, 1790.

SIR:

Almost all the States have appointed persons of ability and proper talents to superintend the settlement of their respective accounts with the United States, and to support the validity and justice of the charges contained in those accounts.

We submit to your Excellency and the Council the propriety of a similar appointment on behalf of our State, which may be the more necessary, should the State debts be assumed by the United States, of which event there is now a prospect, and even a probability.

We are with the highest respect,
Your Excellency's most obedient, humble servants,

J. HENRY.

CH. CARROLL OF CARROLLTON.¹

The Creek Indians who had so long been a source of trouble to Georgia, consented to form a treaty with the United States, at this time, and their leader, Alexander McGillivray, with twenty-eight of the principal warriors of the tribe, came to New York in July, and were escorted into the city by

¹ Wisconsin Historical Society.

the Tammany Society, wearing their Indian costumes, the Creeks, no doubt, considering this a delicate compliment on the part of their entertainers. Charles Carroll was very probably with Washington and Jefferson at the public dinner given the Indians on the 2d of August by the Tammany sachems. The treaty was communicated to the Senate in executive session, by the President on the 7th of August, and the vote was taken to consent to its ratification five days later, when Charles Carroll was present, voting in the affirmative.¹ The public ratification took place on the 13th, in Federal Hall, in the presence of a large concourse of people, the Creek chiefs giving their assent, and accepting from the President the symbolical string of wampum, in token of the peace and amity so happily established.²

Maclay had left the city some time before, the last entry in his journal, for this session, being dated on the 22d of July. He had observed of the nascent political organization so well known at the present day, that the sons of St. Tammany paraded the streets in Indian dresses “the old 1st of May,” May 12th, and adds: “There seems to be some kind of scheme laid of erecting some kind of order or society under this denomination, but it does not seem well digested as yet.”

That Charles Carroll still maintained in 1790 as in 1775, his reputation for riches, and, also, that money was not plentiful in 1779, even with men of his

¹ Executive Journal, 1790.

² Griswold’s “Republican Court,” p. 224.

broad acres, is apparent from the following paragraph in a letter of Washington to Charles Carter, of Culpeper, the husband of Washington's niece, Bettie Lewis. The letter is dated September 14, 1790, and Washington tells of an effort he had made to borrow some money for Mr. Carter:

“I took an occasion to sound Mr. Carroll of Carrollton, as the most likely, being the most monied man I was acquainted with, but without success. He assured me that he could not collect the *interest* of the money that had been loaned by his father and himself, and his other resources were not *more* than adequate to his own occasions—thenceforward I made no further attempts not knowing, indeed, where to apply.”¹

The Maryland Senate met at Annapolis the first of November, and Charles Carroll on his arrival, November 12th, was made chairman of a committee to prepare a message to the House on the subject of revising the State Constitution, and he and John Henry were afterwards put on the joint committee appointed for this purpose. Charles Carroll was also, at this time, re-elected to the United States Senate. The question of giving Samuel Chase two hundred and fifty pounds for his services in defending the State of Maryland in the English Chancery suits, was discussed by the House and Senate at this session, the Senate opposing the appropriation. They finally yielded, but Charles Carroll of Carrollton and two other Senators recorded their votes in the negative. The sessions of the United States Senate, as has been said, were at this time held with

¹ Ford's "Writings of Washington," vol. xi., p. 492, note.

closed doors, and a resolution was now brought forward by the House of Delegates, “instructing the Senators of Maryland in Congress to use their endeavors to procure the admission of citizens of the United States to hear the debates of their house.” At the second reading of this resolution, Carroll and Henry requested leave to withdraw. The proposition was then negated by a unanimous vote.

On the 22d of December, the last day of the session, Charles Carroll brought in a bill relating to the bank stock in Maryland. The Governor and Council were to appoint one or more persons residing in London, to whom the State agent Samuel Chase was to pay the amount recovered, after receiving his commission. And the Governor and Council were to direct the above persons to sell and dispose of such bank stock, holding the monies received therefrom subject to the future orders of the Assembly.¹

Congress met for its third session, December 6, 1790, this time at Philadelphia which was to be its temporary residence for ten years. John Henry attended on the 10th of January, 1791, Charles Carroll of Carrollton not appearing until the 21st.² The journal of William Maclay makes but one mention of Charles Carroll at this session, and that entry is in connection with the Residence Bill. The bill for the establishment of the United States Bank passed before Carroll arrived in the Senate. It was considered by Jefferson, Maclay and others of their

¹ Journal of the Maryland Senate.

² History of Congress, vol. i. Senate.

party, as the climax with the Excise Bill, of those objectionable measures inaugurated by the Funding and Assumption Bill. The journals of Congress show that at the second reading, February 3d, of the bill making appropriations for the support of the government for the year 1791, Dalton, Carroll, and Bassett were appointed a committee to prepare certain amendments. These were reported two days later and came up for consideration on the 7th, but were not agreed to, and the bill was passed without them.

On the 16th Mr. Carroll gave notice that tomorrow he intended to move for leave to bring in a bill, amending the “act for establishing the temporary and permanent seat of the government of the United States, pursuant to the plan suggested in the President’s message of the 24th of January.”¹ The purpose of this amendment was to bring Alexandria, Virginia, into the ten miles square. On the 8th, the bill, which had been read the day before was postponed “to this day sevensnight,” when it had its second reading. Maclay writes, February 18th, “Now Carroll’s amendatory bill was called up. It was debated with temper, but a good deal of trifling discourse was had upon it. I had determined to say nothing upon the subject. I, however changed my mind.” The purport of Maclay’s remarks was, that the President had overstepped his province, that “he had done himself what should have been done by others under his direction.” Our journalist says, February 23d: “And now came

¹ History of Congress, vol. i. Senate.

the Potomac amendatory act. A postponement was moved, but Langdon, Schuyler, Elmer, Morris, and Read voted against the postponement, and finally for the bill. This is astonishing indeed. It is plain the President has taught them." He thinks they were all bought; as to Read he had "heretofore known him to have been shaken by something else beside, the wind." Again, on the 26th there is the entry:" The third reading was given this day to the detestable bill of yesterday, and the last hand was put to the more detested excise law."¹

Maclay was fully persuaded that this amendment to the Residence Bill was put there purely to further Washington's private interest, and that it would in some way work an injury to the Federal Government. In speaking of those public personages with whom he had become most unpopular, for opposing their favorite measures, he says: "I have drowned Jefferson's regards in the Potomac." Alexandrians and Virginians generally, found out later their mistake, and Washington's town was glad enough to return to its proud place as a part of the glorious Old Dominion, from whose jurisdiction it never should have been severed. A bill sent from the House of Representatives, for making compensation to widows and orphans of certain officers of the Revolution, and for the relief of certain invalided persons, was committed to Wingate, Strong, and Carroll, who made their report March 3d, when the matter was referred to the following session.²

¹ Journal of William Maclay, pp. 397, 401.

² History of Congress, vol. i. Senate.

Charles Carroll of Carrollton was in Annapolis, March 17, 1791, and was to go from this place to the “Furnace,” the name he gives the Baltimore Iron Works, the 25th, to “continue there three or four days.”¹ He wrote from Annapolis to Thomas Jefferson, early in April, in reply to a business communication from the latter, and makes interesting mention in his letter, of public affairs.

ANNAPOLIS, 10th April, 1791.

DEAR SIR:

I received the 8th instant your favor of the 4th, and yesterday morning I delivered to Mr. Brown your letter, and paid him the bank note of 97.06 Dollars, and took the receipt enclosed, which I hope will be satisfactory.

I flatter myself Congress will during the next session adopt decisive and adequate measures for the encouragement and support of our navigation. Great Britain as it strikes me, is the only power which can rival us in the carrying trade, and the only one disposed to extend her own navigation on the depression of ours. In a matter, however, of so much consequence, by which the temporary interests of some of the States and the interests of leading individuals in all, may be affected, we cannot proceed with too much caution, for we ought not to hazard any measure we are not determined to go through with.

I am happy to hear that affairs in France are going on so well; on the success of the Revolution in that country not only the happiness of France, but the rest of Europe, and perhaps our own depends. I wish sincerely freedom

¹ MS. Letter.

to all the nations of the earth: to France from education and gratitude, I feel a particular attachment. With such feelings, it is not surprising that I should view with anxious care the proceedings of the National Assembly. I own my doubts of a happy issue to their new system do not arise so much from the opposition of the dignified clergy and noblesse, as from the fear of disunion, the side views and factions combinations and cabals amongst the popular party. God send my apprehensions may be entirely groundless.

I am with real esteem and respect, Dear Sir,
Your affectionate humble servant,
CH. CARROLL OF CARROLLTON.¹

Though Congress met in October, Charles Carroll did not make his appearance there until after the session of the Maryland Legislature, leaving John Henry to represent the State in the Senate of the United States, at this time, while he served Maryland in the Senate of her Assembly. The latter met as usual, in November, and George Plater was elected Governor of the State. Charles Carroll of Carrollton was placed immediately on two important committees, one to draw up a bill for the relief of insolvent debtors, the other to prepare a law respecting certain regulations for the new city of Washington. When the bill for the relief of Samuel Sterett was read a second time, November 24th, both George Dent and Charles Carroll spoke against it, each one having his written protest recorded in the Senate journal. That of Charles Carroll entered in the minutes, Saturday, November 26th, is as follows:

¹ Department of State, Jefferson Papers, 2d. Series, vol. xv., p. 54.

“Dissentient: Because if the power remains with this Legislature to pass an act for giving relief to the individual in this case, it has a power to pass a general law relieving every individual within its jurisdiction similarly circumstanced, and it is more consistent with the spirit of genuine legislation, and with that impartiality likely to obtain in laws framed upon general principles, extending indiscriminate relief to all complying with the provisions of such laws, than in a private act made to fit the case of an individual, whose person is known, whose friends in the Legislature are apt to sympathize with his misfortunes, and in private commiseration, or private motives, lose sight of general utility.

Because notice of the intended application has not been given according to the rule laid down by the Legislature in such cases, a rule never yet violated but in a single instance, and founded upon this obvious principle of justice, that where the interests of many may be affected, these should have an opportunity of making known their objections to the relief prayed for.

Because it is conceived, that the Legislature has not, in the present case, the power of granting the solicited relief. The applicant is confessedly a trader, and as such the proper object of a bankrupt law. Has this Legislature a constitutional right to pass laws with respect to bankrupts, since its ratification of the General Government? This right is assumed by those who are for granting relief to the petitioner. An examination of the reasons in support of the right, will best discover whether it exists or not.

Although the Congress may make uniform laws on the subject of bankruptcies throughout the United States, it is alleged that the individual States retain the power to make bankrupt laws until that power shall be exercised

by Congress; the allegation is attempted to be supported by the 10th section of the Form of Government, laying restrictions on the respective States, and enumerating what powers they shall not exercise. The inference drawn that the several States have a right to exercise all the powers from the exercise of which they are not expressly restrained by the 10th section, proves too much, and would subvert, if admitted in practice, the very ends for which the General Government was framed. Among many powers given to Congress, which the particular States are not expressly restricted from exercising, are these, to regulate the value of foreign coin, and fix the standard of weights and measures; to establish post-offices and post-roads; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations. If, in all these instances, the individual States may exert similar powers, because not restricted by the 10th section, they may make similar laws with those of Congress, or different on the same subject. If similar they are unnecessary, if dissimilar and obligatory, dissonance and confusion would ensue. The inference then, that the several States may exercise concurrently with Congress, all the powers delegated to that body, from the exercise of which they are not expressly excluded by the 10th section, is inadmissible in the extent contended for, since the practice, in conformity with such theory, would inevitably introduce dissensions between the general and particular governments of the States, and would as certainly terminate in the most fatal consequences to the American nations.

Should it be argued, that although the power is given to Congress to establish uniform laws on the subject of bankruptcies, the power may never be exercised, or exercised in a limited degree, the answer is obvious, if much

inconvenience should be felt from the suspension of the power, its exercise might be pressed upon Congress by petition and remonstrance, and there is no reason to suppose that either mode would fail of success. If Congress should deem it expedient to confine the operation of the general law to bankrupts whose debts amount to a sum specified in the law, leaving the States to provide for cases under that sum, it is precipitate (to say the least) to usurp a power before we know whether it will be relinquished by Congress, and, if relinquished, what part of it will be entrusted to the respective States.

Of some of the powers imparted to Congress, it is true, each State retains the exercise, but, in all cases where the States and Congress may exercise the same powers, they must be exercised on different objects, or if on the same, for different purposes. Thus, for instance, Congress may establish post-offices and post-roads, so may the States, but not in the same places; Congress may fix the standard of weights and measures, this power has not yet been exercised, but the laws respecting this matter, or the usage equivalent to law of the several States, remain in force, wherefore it is concluded that the States may pass laws, if none exist at present, particular or general, on the subject of bankruptcies. The conclusion is not warranted by the premises; the logical inference is this, therefore, where the States had subsisting bankrupt laws previous to the ratification of the General Government, these remain in force, yet whether such laws are now in force is very questionable; the difference between the objects of them, not only as to their importance, but tendency, must be obvious. Without some regulation of coin, of weights and of roads, the whole business of society would be at a stand; that the existing regulations of these matters should continue until

new regulations are made by Congress, seems rather to arise from an indispensable necessity, than from expediency, from choice, or from right, nor can the continuance of such regulations endanger the tranquility of the United States, or involve them in contests with foreign nations.

Are the subsisting bankrupt laws, if any do exist in force, equally necessary? Cannot the business of society go on (for a time at least) without such laws? If those heretofore passed, or which may hereafter be passed, in the several States, are injurious and partial, if they encourage frauds, may not the public harmony be interrupted? May not the Confederacy be embroiled with foreign powers, or the credit of the country be deeply affected? To prevent these mischiefs, the power of making such laws (in future at least) was parted with by the several States, without any express reservation or admissible implication, that the powers should remain with each until exercised by the whole in Congress assembled.

Admitting the power of the Legislature to give relief to the petitioner, to be only doubtful, the commitment of the bill for amendments, in order to take the chance of its passage through this house, is improper; for the expeditious relief of one person is not of sufficient importance to warrant the assumption of a questionable power, to arrest the process of the Federal Court, and precipitately exempt his case from the operation of a general law, which all admit Congress has the power to make, and which there is cause to presume will be made during its present session.

CHARLES CARROLL OF CARROLLTON.”¹

The contention made here that the power of making bankrupt laws “was parted with by the several

¹ Journal of the Maryland Senate.

States, without any express reservation or admissible implication, that the powers should remain with each until exercised by the whole in Congress assembled,” has proved to have been an erroneous interpretation of the Federal compact. While Congress has power to “establish a uniform system of bankruptcy” and when such a law is passed it overrides and puts in abeyance the State laws on that subject, yet Congress does not always exercise this power, and then State laws are made in place of the Federal law. A State insolvent law passed in Maryland many years ago, was superseded soon after the late war by a bankruptcy law passed by Congress. This law, however, was repealed, and thereupon the old State law at once became operative again and is now in force, (1897.)

It will be observed that the Federalists of 1791, as represented by Charles Carroll of Carrollton, had very clear views as to the Federal nature of the United States government, as the “general governments” of the States in contradistinction to the “particular governments” of the “American nations.” Carroll calls it a “Confederacy” and speaks of certain regulations as not likely to “endanger the tranquillity of the United States, or [to] involve *them* in contests with foreign nations.” The very name “Federalists” was a protest against consolidation and the theory of nationality. And but for their assertion of these doctrines by the Federalists of 1787, no “Union” could have been effected, other than that which held the States together under the Articles of Confederation. The first ten amend-

ments to the Constitution, those important guarantees of liberty, closing with the declaration of the reserved powers of the respective States, and of the ultimate sovereignty of the people of the respective States, were proposed in 1789, and adopted in this year, 1791.

Instructions were given to Charles Carroll of Carrollton and John Henry, at this time, to advocate in Congress, public sessions of the Senate. But the address of the House of Delegates, on this subject, was rejected, and a shorter one adopted. The House of Delegates had entered more fully into the reasons for deliberating with open doors, and spoke of the advantages that resulted from the observance of this rule in the House of Representatives, when the press were enabled to furnish “all parts of the Confederacy with an ample idea of the capacity and conduct of their immediate representatives.” The Maryland Senate altered the instructions, so as to read as follows: “The Legislature of Maryland, impressed with the propriety of opening the doors of [the Senate], recommend to your attention and exertions the attainment of this object, which they consider as a matter of importance.” A bill was passed at this session, empowering the State to purchase a lot, or lots, in the city of Washington, adjoining the square appropriated for the residence of the President of the United States, “sufficient for a house with suitable garden and improvements” to be presented to General Lafayette, by Maryland, to express this State’s sense of his services during the Revolution.¹

¹ *Ibid.*

As soon as possible after the adjournment of the Assembly, December 30th, Charles Carroll repaired to his seat in Congress, arriving there January 6th, 1792. A message was received from the President on the 5th of March, inclosing a translation of a letter received from the unfortunate Louis XVI., dated September 19, 1791, in which this monarch writes to his "very dear, Great Friends and Allies" telling of his acceptance of the Constitution from the National Assembly. The Senate sent a reply, expressing their satisfaction, and the hope that it "may establish on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the Monarch presiding over it." The motion, brought forward and seconded by the Virginia Senators, James Monroe and Richard Henry Lee, that the doors of the Senate Chamber remain open, except in executive session, was defeated. Charles Carroll, faithful to his instructions, voted for it, while John Henry voted against it on his own responsibility. Carroll was put on two or three committees as the records show, but as Maclay was no longer present to take notes of the debates, but a meagre chronicle of the proceedings has come down to us. It was the first session of the second Congress, and the last one in which Charles Carroll was to serve.¹

We find the Roman Catholics of America interesting themselves, at this time, in the subject of the missions to the Indians of the United States; and through Charles Carroll of Carrollton and his cousin

¹ History of Congress, vol. i. Senate.

the Rt. Rev. John Carroll now “Archbishop of the Roman Catholic Church in the United States,” seeking to further their benevolent purpose by the co-operation of the Executive. Washington wrote to the Archbishop, from Philadelphia, April 10th, saying he had received and considered his memorial, but that the war going on then with some of the tribes of the Western Indians prevented any efforts of such a peaceable nature in that quarter; while the Five Nations were already under the superintendence of a religious instructor. The Eastern Indians, he believed, were considered a part of the inhabitants of Massachusetts, and any application to teach them must be made to that State.¹ Letters on this subject of Indian missions had been submitted to General Washington by Charles Carroll, probably while the latter was in Congress.

While Jefferson and Maclay considered Hamilton and other Federalists were striving to introduce centralizing measures into the new government, and were thus foes to true liberty, Carroll and his allies returned the bad opinion of their opponents, for reasons of a contrary nature, professing to think that the Antifederalists were not “the friends of stability.” A “stable” government was the aim of all alike no doubt, but the tendency of Federalism was to put “Union” before liberty, while the Democrats then and always have placed the sovereignty of the State and the liberty of the individual first, as the objects of government, and the “Union” second, as the means to these ends.

¹ Sparks’s “Writings of Washington,” vol. x., p. 228.

Charles Carroll wrote to Alexander Hamilton from Annapolis in October 1792, expressing freely his views on the political situation. Hamilton had written to Carroll, September 23d, but this letter is not in Hamilton's published works, and one can only guess at the name of the leading Antifederalist there mentioned.

ANNAPOLIS, 22d October, 1792.

DEAR SIR:

I received on the 7th instant, your favor of the 23d, past. I have delayed thus long answering it with a hope that I might discover whether the Antifederal party in the State had in view the person referred to in your letter. I suspect a communication of sentiments is maintained by the leaders of this party throughout the United States; however I have not heard his name even whispered. His character I could not well see through during the time we were together. I noticed a disposition to perplex and puzzle, which left an unfavorable impression on my mind. He appeared to me not to want talents, but judgment and steadiness; and I suspect he possesses of ambition a *quantum sufficit* for any man.

I hope the friends of stability, in other words, the *real* friends of liberty and their country, will unite to counteract the schemes of men, who have uniformly manifested a hostile temper to the present government; the adoption of which has rescued these States from that debility and confusion and those horrors which unhappy France has experienced of late, and may still labor under. I beg my respects to Mrs. Hamilton, and remain with sentiments of respect and regard, Dear Sir,

Your most obedient humble servant,
CHARLES CARROLL OF CARROLLTON.¹

¹ Hamilton's "Works of Alexander Hamilton," vol. v., p. 537.

The Maryland Senate met November 5th, and the most important matters brought before it were the questions of relief for insolvent debtors, and the provisions for the regulation of the militia. On the latter point the House and Senate could not agree. Charles Carroll of Carrollton brought in an act at this time "for securing certain estates and property for the support and uses of ministers of the Roman Catholic religion." A law was passed at this session declaring members of Congress, or persons holding office under the United States government ineligible as members of the Maryland Legislature or Council. This action forced Charles Carroll to lose his seat in the United States Senate if he would remain in the Senate of Maryland. And accordingly he sent in his resignation from the former body, and Richard Potts was elected to fill the place for the remainder of Carroll's term. The State Legislature was preferred by Charles Carroll to the United State Congress, as he had formerly left the Continental Congress to devote himself to the work of the Maryland Senate.

On the 15th of December the Senate replied to a message from the House of Delegates relating to their militia bill; objecting "to the provision obliging the whole of the militia of the State to exercise four times in each year," to "some of the fines as being too heavy," and to the requirement of "immediately officering the whole militia, as thereby men of talent may be excluded from a seat in the Legislature, without a prospect of correspondent advantage." A conference was proposed between

the two Houses, and James Hollyday, Charles Carroll of Carrollton, and James McHenry were appointed the Senate committee. The conferrees could not agree, and the bill was committed to the three gentlemen above-mentioned for amendments. The House of Delegates sent an address to the Maryland Senators in Congress, expressing their regret at the failure of the motion “to open the doors of their House” [the United States Senate]. They considered that “Mystery is the garb of tyranny.”

The House returned to the Senate, December 21st, the bill for the relief of insolvent debtors, expressing the wish that the Senate would assent to it, as “many of them must otherwise remain immersed in gaol.” The Senate resolved to reconsider the bill, Charles Carroll alone voting in the negative. When the vote was taken to pass the bill as amended by the House, six were in favor and four against it, Charles Carroll of Carrollton and John Eager Howard giving two of the negatives votes. In regard to the Dutch loan, the Treasurer of the Western Shore was instructed by the House of Delegates to “pay to Samuel Sterett, agent of Messrs. Van Staphorst, the sum of one hundred and fifty pounds, on the order of Charles Carroll of Carrollton, one of the Commissioners of the State, which is in full discharge of all claims and demands for interest on the aforesaid loan.”¹ Charles Carroll and John Eager Howard were appointed a committee to answer the message from the House on the Militia Bill, and this reply was delivered to the

¹ Journal of the Maryland Senate.

House, December 21st, by Carroll, who no doubt penned it. It is as follows:

“Gentlemen: We lament that you have rejected our amendments to the militia bill, and that you have returned it, at this late period of the session, for consideration, without assigning any reasons for your rejection of them.

We cannot recede from the amendments you have rejected, because the modification proposed, we think, is a substantial compliance with the act of Congress, and not liable to the many evil consequences that would result from training, at the same time, all persons enrolled between eighteen and forty-five years of age. On a moderate calculation, the persons to be enrolled, (and not permanently exempted by the act of Congress, and our own amendments to your bill, from militia duty), will amount to thirty thousand, the daily labor of each of whom may be fairly rated, on an average, at half a crown; the four days training, enjoined by the bill, would, on this calculation, amount to fifteen thousand pounds; a serious loss to the community at large, but more so to the persons immediately sustaining it.

The supposition is highly probable, that there are not firearms in the State more than sufficient to arm seven thousand men, the number which the division we propose to train during the first three years would nearly amount to.

No exigency, we apprehend, can suddenly arise, which would authorize the President of the United States to call on this State for a greater number of militia than four thousand; yet, should such exigency unexpectedly happen, our amendments provide for it.

The selection prescribed by those amendments will be

a considerable saving to the State, and great ease to the people. It must be admitted that four days exercise throughout the year will not give the militia even a tincture of military discipline; but when embodied and officered (should they be called into actual service) the habits and duties of a soldier will be best acquired and learnt by the practice of the field, and of real warfare. The principal object Congress had in view (as appears to us) was to have the fencibles so arranged, that if the peace of the society should be endangered or attacked by external or internal enemies, a force might be ready for its defence, and so organized as to be able to march on due notice of the danger or attack.

If this was the intention of Congress, it will be better executed by our plan than by the one your bill has adopted. The bill, however, as amended, you may perhaps think is not a compliance with the law of the United States; for every salutary purpose, the preceding reasons prove, in our opinion, that the bill, if framed in conformity to our amendments would be a real compliance with the principal design of the Federal Legislature; but there are not wanting arguments to show, that so amended, it would be a literal compliance. It is observable, that a discretionary power, in some respects indefinite, is left by the act of Congress to the State Legislatures. We may fairly presume, that not only permanent exemptions were intended by the second section of that act, but temporary exemptions also, should the respective States deem it convenient, or conducive to their interests to make such. The words of the law are comprehensive enough to include exemptions of the latter description, 'all persons who now are, or may hereafter be exempted by the laws of the respective States, shall be and are hereby exempted from military

duty, notwithstanding their being above the age of eighteen and under the age of forty-five years.' Could words more comprehensive be made use of? All persons, says the act, may be exempted from militia duty by the respective States. In virtue of this discretion left with the States, they may exempt entire bodies of men from militia duty; for instance if the Legislature had thought fit it might surely, under this power, without requiring an equivalent in money in lieu of personal service, have exempted all persons conscientiously scrupulous of bearing arms; this inference you will not deny, but may, perhaps, contend that these exemptions can be construed to relate only to such as are permanent. This construction is not warranted even by the letter of the law, much less by its spirit; for the words permanent exemptions are not to be found, as placed in opposition to, or as contradistinguished from temporary exemptions.

The amendments impose the obligation of enrolling all free, white, male inhabitants mentioned in the act of Congress, (except such as by that act and our amendments are excepted;) but they suspend for a term of years the performance of militia duty by those who may not be selected to compose the division subjected to that duty for the first term of three years. Why, it may be asked, should we have the power to exempt permanently from militia duty an entire class or classes of men within the prescribed age, and not have the lesser power to exempt them for a time only from that duty? Can a reasonable solution be given to this question? Every reason of policy, convenience and economy, make in favor of the lesser power; the Constitution of the United States, paramount to all laws of Congress, justifies, in this case, the assumption and exercise of the lesser power. By that Constitution, Congress is to provide for organiz-

ing, arming and disciplining, the militia, and for the government of such part of them as may be employed in the service of the United States; but the appointment of the officers, and the authority of training the militia, are reserved to the respective States; wherefore these States are at liberty to train their militia often or seldom, a part or the whole, one part during one period of years, and another part during another period, these being only different modifications of the authority reserved to the States. To assert, that the States have not the power to exempt from militia duty for a time only (where not called into the service of the United States) a part of their militia, and to admit that they have the right expressly recognized by the Federal Constitution, to exercise the militia under the modifications just mentioned is such a contradiction as not to be reconciled in any other manner than by the construction we have put on the act of Congress, a construction which reconciles that act with the power delegated, which abundantly provides (as far as numbers are concerned) for the protection of the United States, and of each individual State, and unites two important political objects, economy and safety.

Induced by the above reasons, and others which we have not time to enumerate and enforce, we adhere to our amendments; our adherence cannot possibly injure the United States, and will greatly benefit our own. We therefore return the bill for your further consideration, not doubting but that you will adopt the amendments we have made to it, and that you will prefer having a militia law upon the plan those amendments hold out, to breaking up without carrying into effect the act of Congress, and leaving the State entirely destitute of a militia until the next annual session.”¹

¹ *Ibid.*

The address of the House of Delegates to John Henry and Richard Potts relative to open sessions of the United States Senate, was not approved of by the Maryland Senate, and they substituted a brief resolution in its place. But the House was not satisfied with the guarded and lukewarm language of the Senate, and they were justly indignant with Henry for disregarding his instructions. They sent up to the Senate, accordingly, these decided resolutions of censure:

Resolved: That it is the opinion of this General Assembly, that we are the immediate constituents of the Senators representing this State in the Senate of the United States, and that as such, we have the undoubted right of instructing them whenever we shall think necessary.

Resolved: That we do disapprove of the conduct of one of our Senators aforesaid, in acting in direct opposition to our instructions given at November session, 1791.

Resolved: That it is the opinion of this General Assembly that the opening of the doors of the Senate of the United States, when sitting in their legislative capacity, will greatly promote that confidence in the measures of the general government so essential to the prosperity of the Union.

Resolved: That it is the opinion of this General Assembly, that every exertion ought to be made by our Senators aforesaid, at the present session, to obtain this desirable object.

Resolved: That the Hon. the President of the Senate and Speaker of the House of Delegates be, and they are hereby, requested to transmit a copy of these resolves to the Hon. J. Henry and Rd. Potts.”¹

¹ *Ibid.*

Messages on the subject of the Militia Bill went back and forth between the House and Senate, and finally the latter, on the 23d of December announced their ultimatum, that they had rejected the latest House amendment, "to enumerate the fencible inhabitants of this State, as involving the question upon which the two branches have differed, and not being agreeable to the law of Congress," and were ready to close the session. The House responded in terse and determined language: "May it please your Honors: We are ready to close the session, and will meet your Honors immediately for that purpose. The journals of the House will satisfy our constituents whether we were for carrying the acts of Congress into execution or not."¹

An interesting account of this session of the Maryland Assembly is given by Charles Carroll, in letters to his friend, and recent colleague in Congress, John Henry. It is to be regretted that Henry's letters in reply, containing doubtless much about the proceedings in the United States Senate at this time, have not been preserved.

ANNAPOLIS, 3rd December, 1792.

DEAR SIR:

Last Friday, the law disqualifying members of Congress from holding seats in our Legislature, &c, passed the Senate, myself and Mr. Worthington only voting in the negative. On the same day I resigned my seat in the Senate of the United States. Tomorrow my successor will be appointed—three persons are mentioned, Mr. Ports, James McHenry and Col. Stone. Thus I have

¹ *Ibid.*

got rid of a trust which I really accepted with reluctance and which, I assure you, hung heavy on my mind. I was mindful of the advice of Horace—

*Solve senescentem mature sanus equum
Ne peccet ad extremum ridendus, et
Ilia ducat.*

Our electors of the President and Vice-President are chosen; Hanson, J.E. Howard, Thomas S. Lee, Potts, Sam Hughes, Richardson, Ja. Seney, (two names illegible). I forget the other two. It is said they will all vote in favor of Mr. Jno. Adams. I should be sorry to see that gentleman not chosen Vice-President. He was a patriot in the worst of times and has rendered his country signal services. He has not merited such a slight from his countrymen, as some are endeavoring, I fear, to throw upon him. The H. of D. has rejected a militia Bill originated in the Senate, the exact counterpart of the act of Congress, and every bit as harmless. We went a great way in our exemptions, for we exempted 1/3 of the militia from mustering—our Bill hinted at a rotatory militia, in which I think it was better than that of Congress, if between two very bad things, one may be held to be better than the other.

How goes on the enquiry into the failure of the expedition against the Indians? Is the Secretary of the Treasury as much the subject of debate and conversation as during the last session? I believe our session will be protracted till near Xmas; we shall spend between seven and eight thousand pounds, and not do a sixpence worth of good. Another insolvent debtors Bill—will the matter be taken up by Congress? We shall have another Assessment Law—this is necessary from the great change of property since the last assessment. Its principle, I

am ignorant of, neither do I know whether a tax will be imposed. I believe I mentioned in my former letter, that we (Johnson, Forrest and myself) had settled the Van Chapports, [Van Staphorsts?] claim.

If anything new and interesting turns up, drop me a line or two. Though not a player myself, I shall find myself in the game that is played.

With regard and respect, I remain Dr. Sir,

Your most humble servant

CH. CARROLL OF CARROLLTON.

To Hbl. John Henry, Esq., in Congress, Philadelphia.¹

ANNAPOLIS, 16th December, 1792.

DEAR SIR:

I received the 14th instant last your favor of the 11th. Since my last we have received from the H. of D. the militia and assessment bill; the latter does not lay any rate, only directs the mode of valuing property, appoints commissioners etc. The former, the Militia bill we shall not pass in its present form; it subjects the whole of the fencible men between 18 and 45 years of age, amounting at least to 30,000 to muster four times a year in companies, battalions and regiments. We propose to enroll in conformity to the Act of Congress all fencibles between 18 and 45 years of age, but then to direct the Governor and Council only to muster 300 four times a year, a part of these (about five thousand) when so enrolled. I think the Act of Congress may be so construed as to suffer us to throw in such a clause into our Militia bill. Rest assured the mustering so large a body of men as those will amount to between 18 and 45 years of age, throughout the

¹ "Memoir of John Henry, By one of His Grandsons" [Daniel Maynadier Henry], p. 16, February, 1887.

United States will be a very serious evil and felt as such when we come to experience the consequences which will inevitably arise from such large assemblages of men; and waste of time and drunkenness will be the least pernicious of these consequences.

I fear, as you do, that our State will be found greatly behind on a settlement of accounts; this fear always inclined me to assume the State debts, as reported by the Secretary, and to have no settlement. I am confident you will be pleased with Mr. Potts on a better acquaintance, and the good opinion you now entertain of him will be increased in proportion to your personal knowledge of his character. Please to inform me, as soon as you can, what alterations of the judicial system are in contemplation, I have heard it rumored that the State judges are to be made judges of the United States, within the jurisdiction or boundaries of each State, and the Supreme Court to be sedentary at the seat of Congress. Such a system will never answer. Our Constitution militates against such an arrangement. By the 30th section of our Declaration of Rights it is provided, no chancellor or judge ought to hold any other office civil or military, or receive perquisites of any kind. Is not the office of judge of the United State another office, and distinct from that of judge of this State? Again section 32 of the Declaration of Rights says, no person ought to hold at the same time more than one office of profit, nor ought any person etc. Supposing an ingenious or prostitute lawyer could quibble away these sections, so as to perplex and render doubtful what to common sense is plain and obvious, our late law, which is now become a part of our Constitution, puts the thing beyond all dispute. No person holding an office under the United States can now hold an office under the State, so that the acceptance of judge of the

United States would vacate the commission of the office of judge of this State.

It gives me pleasure to hear that Mr. Adams will be elected Vice-President by a considerable majority. I beg my respects to that gentleman. We have served together in hard times, and I set a great value on his services, and I feel a sincere regard for all who stood firm in the most dangerous and critical situation of our affairs. When I think of those times the line of Virgil always occurs to me:

Forsan et haec olim meminisse juvabit.

I forgot to send to the post-office last night to see whether there were any letters from you. I am afraid this will be too late for this day's boat, however I shall send it to the post-office.

With sentiments of respect and regard I am, Dear Sir,
Your most humble servant
CH. CARROLL OF CARROLLTON.¹

ANNAPOLIS, 23rd December, 1792.

DEAR SIR:

Our Assembly rose this afternoon; by the printed list of laws passed this session and enclosed, you will be able to form some judgment how we have been employed for these seven or eight weeks. The two houses could not agree upon a militia law, so nothing is done in that business. The H. of Delegates wanted all fencibles between 18 and 45 years of age to be enrolled and officered. This appeared to the Senate unnecessary and mischievous.

This morning we sent them a short bill empowering the assessors to take and return lists of the free, white,

¹ MS: Letter, owned by Mr. J. Winfield Henry of Baltimore.
VOL. II—13

male citizens between 18 and 45 years to the commissioners of the tax, who were to send these lists to the Governor and Council to be laid before the Assembly at the next annual session. To this the other house would not consent, although the very thing was prescribed by this Militia Bill, unless we would adopt a proposed amendment empowering the Governor and Council to officer the persons so listed. A rage to be Major-Generals, Brigadiers, Colonels etc., etc., was, I believe, the lone motive and at the bottom of this seeming earnest desire to comply most *literally* with the Act of Congress. Never in my judgment did a body of wise men pass so mischievous an act, as the Militias law of Congress; experience and time will discover the truth of this assertion. To a man of sense and foresight it is needless to adduce arguments to prove it. Although we have passed a law for the valuation of property, we have laid no tax. We have passed a law giving the Chancellor, *for all service, i.e.*, as Chancellor and Judge of the Land Office, a permanent salary of £950. The law imposes certain fees on proceedings in Chancery and Land Office, as will produce, it is thought, a sum at least equal to the salary; should there be a deficiency it is to be made up out of the aggregate revenue.

The House of Delegates was very strenuous for instructions to our Senators for opening the doors of your Senate; these instructions or resolutions being *personal* in some degree, and containing some very questionable positions, were rejected by the Senate; so that you will have no instructions on the point from this recent House of Delegates. Your letter of the 16th instant I received the 23rd, with the newspaper containing an account of the retreat of the Duke of Brunswick, and the rodomontade

letter of Dumouriez to Servan. Thus the anarchy of France will subsist some months longer. I am as strong a friend to a free Government as any one; but I am confident no *real* freedom can be enjoyed in France under the existing system; a democratical Assembly consisting of seven or eight hundred members, without any *control*, and without the most vigorous executive, must produce a worst despotism than that of Turkey.

I hope the Secretary's plan for the reduction of the debt, or something like it, will be adopted; but I perceive there is a party opposed to the *means*, who wish, or pretend to wish, the accomplishment of the desired object. If you can send me the Secretary's report on that subject by some safe, private conveyance, you will oblige me. The newspapers I do not get regularly, and when I do, I can't keep them. Thus I have only a part of the report in one newspaper, and part in another; the one is lost before the other gets to hand. I wish to have the report altogether in *one* publication and in a *good* print.

What has been done, or is doing with respect to the proposed alterations of the Federal Judiciary? What alterations of the present system are in contemplation? I requested you to answer a similar question in a former letter which I presume has escaped your memory. Do you lodge at Mrs. Houses? If you do and the same lodgers compose your mess as last year, please to present my respects and remembrance to them. Mercer, told me that Giles and some of my old acquaintances agreed with him, that if I possessed only £20,000 I should be a Jacobite. Perhaps was I worth *nothing* I might affect to adopt their principles, and imitate their conduct, with the hope of getting *something*.

I wish you health and the compliments of the season, and remain with regard and respect, Dear Sir,

Your most humble servant

CH. CARROLL OF CARROLLTON.¹

¹ MS: Letter owned by G.W. Varnum, M.D., Coronado, California.

CHAPTER VI.

A MARYLAND FEDERALIST.

1793–1799.

PRESIDENT WASHINGTON wishing to show his appreciation of Charles Carroll's services, took the earliest opportunity after the latter's retirement from Congress to nominate him one of three Commissioners to treat with the Western Indians, writing to him on the subject from Philadelphia, January 23, 1793:

DEAR SIR:

The Western Indians having proposed to us a conference at Anglaise, not far distant from Detroit, in the ensuing spring, I am now about to proceed to nominate three Commissioners to meet and treat with them on the subject of peace. What may be the issue of the conference it is difficult to foresee, but it is extremely essential, that, whatever it be, it should carry with it the perfect confidence of our citizens, that every endeavor has been used to obtain peace, which their interests would permit. For this reason it is necessary, that characters be appointed, who are known to our citizens for their talents

and integrity, and whose situation in life places them clear of every suspicion of a wish to prolong the war; or say, rather, whose interest in common with that of their country is clearly to produce peace. Characters uniting these desiderata do not abound. Some of them too are in offices inconsistent with the appointment now in question, and others under impediments of health or other circumstances, so as to circumscribe the choice within a small circle. Desirous in the first instance, that you should be in this Commission, I have mentioned these difficulties to show you, in the event of your declining, how serious they are, and to induce you to come forward and perform this important service to your country, a service with which its prosperity and tranquillity are intimately connected. It will be necessary to set out from this place about the first of May. The route will be by the North River and Niagara. It will be safe, and the measures for your comfortable transportation and subsistence will be taken as effectually as circumstances will admit. Will you then permit me, Sir, to nominate you as one of the Commissioners, with a certain reliance on your acceptance? Your answer to this by the first post will oblige

Dear Sir, etc.

G. WASHINGTON.¹

To this letter Charles Carroll replied promptly, expressing his regret at being obliged to decline the appointment:

ANNAPOLIS, 28th January, 1793.

DEAR SIR:

I received the 25th instant, late in the evening your letter of the 23rd. Early in the morning of the 26th the post left this place, so that I had not sufficient time to

¹ Sparks's "Writings of Washington," vol., p. 313.

make up my mind respecting the acceptance or refusal of the commission mentioned in your letter, nor to inform you by last Saturday's post of my determination.

I have seriously weighed the reasons urged to induce me to accept the trust. I feel their force, and am sensible that the number of citizens, from which characters in every respect proper for the intended negotiation can be selected, is unfortunately too circumscribed. No one more ardently wishes than I do, for peace with the hostile tribes, upon terms not dishonorable to our country. My time I would cheerfully give, and I would endeavor to exert what talents I may possess, and should be extremely happy in being instrumental in accomplishing an object of such importance to the United States. But the length and unavoidable difficulties of the journey deter me from undertaking it. The infirmities of age are coming fast upon me. I do not think I could endure the fatigue of so long a journey, part of it through the wilderness, without imminent danger to my health. I am very liable to take cold in changing of my lodgings, and I never get cold without affecting my breast, and leaving a troublesome cough which I seldom shake off for a month or two afterwards. The anxiety too of mind I should experience from the responsibility of the station and dread of not answering yours and the public expectation and wishes would also greatly contribute to derange my health and really might disqualify me for the business. I hope these reasons which I have candidly assigned, will justify me, my dear sir, in your opinion for declining the commission with which you wish to honor me.

I am with sentiments of the highest esteem and regard, dear sir, Your affectionate and most humble servant

CHARLES CARROLL OF CARROLLTON.¹

¹ MS: Letter. Collection of Dr. Emmett.

The two youngest children of Charles Carroll of Carrollton, Charles and Catherine, then respectively nineteen and sixteen years of age, returned from Europe in the fall of 1794. The perils of the sea, at this time, were increased by the dangers of capture, incident to the war between France and England. And Charles Carroll in writing of the arrival of his son and daughter, to Mr. Joshua Johnson in London from whose house they had sailed, tells of their adventure with a French privateer.

“DOUGHERAGEN, 8th October, 1794.

“DEAR SIR:

“My son and daughter reached this place in good health on the 26th past. The vessel on which they took their passage from London was captured at some distance from this coast by the French privateer *Sans Pareil*, who was proceeding to the West Indies with her prize, when luckily they fell in with the snow *Pallas* bound to Keneboenk in Massachusetts. The privateer compelled the captain of the *Pallas* to take the passengers and crew on board, and for 30 guineas landed them in Boston.”¹

Among the French royalist refugees in America in these years, was the Rev. Mr. Perigny, a doctor of the Sorbonne, who was invited to reside at the Manor by Charles Carroll, and officiate there as chaplain. When the first public library was organized in Baltimore in 1795, Bishop Carroll was prominent as one of its patrons, and Charles Carroll of Carrollton was a member. Mons. de Perigny was made the first librarian, and a number of receipts for

¹ Family papers, Rev. Thomas Sim Lee.

the annual dues of the "Library Company" are extant, signed "Geo. de Perigny." Many of the books of this early "Library Company" are now in possession of the Maryland Historical Society. In purchasing material, about this time, for clothing his servants, Charles Carroll of Carrollton wrote to a merchant in Richmond, Virginia, ordering "fifteen hundred ells of country linen for shirting negroes, of the width and quality of the best German osnabrigs." He adds that he "will annually want the above quantity, and the ready money will always be paid"; and he manifests his patriotic desire to encourage home industries by declaring that he "would wish to give the preference to American linen, if in quality equal and in price not superior to German osnabrigs."¹

Feeling ran high in the United States in 1794-1795, between the parties opposed to and in sympathy with the French Revolution. And from France came the title "Democrat," now first used to designate the Antifederalist or "Federal Republican." An Englishman traveling in America in 1794, names, with Washington and Hamilton, among the Federalists leaders, the two Marylanders William Vans Murray and William Smith.² But he should have included Charles Carroll of Carrollton, the friend and correspondent of both Hamilton and Washington. Carroll's sympathies were all with royalist France, after the execution of the King, and with England as against the Jacobin tendencies of the

¹ MS: Letter. Collection of Robert J. Hubbard.

² "A voyage to the United States," H. Wansey, p. 90.

French Republic. And it is very likely, from his long early residence in France, and his acquaintance during the American Revolution with Frenchmen in the Continental service, that he was sought out by the refugees, both the prominent and obscure. He may have met the brilliant, cynical Talleyrand; it is more than likely he entertained, at Annapolis or "Doughoregan" the gallant and unfortunate Viscount de Noailles, brother-in-law of Lafayette, whose wife, mother and grandmother had all fallen under the guillotine of Robespierre, and who was in America in 1794, planning to settle there with a number of his countrymen, on the banks of the Susquehanna.

Jay's famous treaty with England, negotiated July 15, 1795, brought the contest between Federalists and Democrats to a climax. Carried through in a secret session of the Senate, it was made public by a Democratic Senator, Stevens Thomson Mason of Virginia, and meetings of the Democrats were immediately called all over the country to condemn the treaty, at which thanks were enthusiastically voted, and toasts pledged, to Mason and his Congressional colleagues. The Federalists held meetings also, and censured the Virginia Senator for his daring act. Desperate quarrels arose between the champions and the opponents of the treaty, and a duel was with difficulty averted between Hamilton and Commodore Nicholson. On the other side of the Atlantic, a fatal encounter took place between two young Virginians who, in consequence of a conversation

at the “Virginia Coffee House” in London, on the subject of the treaty, fought a duel in Hyde Park, and one of them fell mortally wounded.¹

Robert Goodloe Harper, who was soon to become Charles Carroll’s son-in-law, in an “Address to his Constituents,” justified the treaty, and received a letter of thanks from its author, John Jay, at whose request the address was published.² Jay’s treaty “was generally condemned in Virginia, and the South,” says President Lyon G. Tyler of Williamsburg, “because it made no provision for free trade with the West Indies, formerly the life of Alexandria and Yorktown, nor exacted any indemnity for the slaves which the British had carried off during the war.”³

There were questions of principle involved in its passage, also, independent of its special features, which rendered it obnoxious to the Antifederalists, questions which have never yet been decided. These were whether the President and Senate alone, as maintained by the Federalists, have power to regulate commerce and duties, and to define piracy; and whether the House of Representatives is obliged to vote any amount of money called for by a treaty so negotiated. The Democrats believed, and still declare, that the two Houses of Congress should concur in the three points above named, and that a treaty is not, independently of the Constitution, “the supreme law of the land.” Jefferson wrote in

¹ *The Virginia Historical Magazine*, vol. 1., No. 1., p. 15. July, 1891.

² “Correspondence and Public Papers of John Jay,” vol. iv., p. 198.

³ *William and Mary College Quarterly*, vol. iv., No. 4., p. 254.

1795: "Our part of the country is in considerable fermentation.... They say that while all hands were below deck, mending sails, splicing ropes, and everyone at his own business, and the captain in his cabin attending to his log-book and chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty." Charles Carroll in writing to Washington, on matters of business, the 23d of April, 1796, took occasion to make some inquiries of him about the much-talked-of treaty. Washington's reply which is marked "Private" in the manuscript copy preserved among his papers, is as follows:

PHILADELPHIA, 1st May, 1796.
(Private)

CHARLES CARROLL ESQ:

DEAR SIR: Your favor of the 23d ulto. has been duly received. With respect to the application of Mr. Freeman, I shall do as I always have done on similar occasions, and that I am sure you will approve of—namely to lay the recommendations of applicants by, until the hour comes when nominations are to be made, and then after reference to them and an attention to other circumstances (which is often essential) prefer those who seem to have the greatest fitness for the office.

Accompanying the information of the election of Mr. Sprigg, and the instructions with which he was charged, you proposed several interesting questions such as I am persuaded your own good sense, after a resort to the debates of the important points which have been discussed, will leave you at no loss to solve.

Few however, I believe, acquainted with the proceed-

ings in the House of Representatives, conceive that the real question was not whether the Treaty with Great Britain was a good or a bad one, but whether there should be a Treaty at all without the concurrence of that House; and taking advantage of the partialities in favor of one nation and the prejudices against that [*sic*] of another, with the aid of such unfavorable interpretation as they were disposed to give to some parts of the Treaty, it was conceived that no occasion more suitable might ever occur to establish the principle and enlarge the powers they aimed at. On this ground, therefore, it was resolved to attempt at every hazard to render the Treaty-making power a nullity without their consent; nay worse to make it an absolute absurdity, such as could not fail to reflect disgrace upon the understanding and wisdom not only of those who framed, but on those also who adopted the Constitution, from the inconsistency of giving a power to the President and Senate to make Treaties (and when made and ratified, declaring them the supreme law of the land) and in the same instrument to vest a power in the House of Representatives to fix their vote [veto?] upon it, unless bribery and fraud was apparent in the transaction (which in equity would annul any contract), or ruin was so self-evident as to involve war, or any evil preferable to the execution.

With regard to the motives which have led to these measures, and which have not only brought the Constitution to the brink of a precipice, but the peace, happiness and prosperity of the country into eminent danger, I shall say nothing. Charity tells us they ought to be good, but suspicions say they must be bad; at present my tongue shall be silent. Every true friend to this country must see and feel that the policy of it is not

to embroil ourselves with any nation whatever, but to avoid their disputes and their politics, and if they will harass one another to avail ourselves of the neutral conduct we have adopted. Twenty years peace with such an increase of population and resources as we have a right to expect, added to our remote situation from the jarring powers, will in all probability, enable us, in a just cause, to bid defiance to any power on earth. Why then should we prematurely embark (for the attainment of trifles comparatively speaking) in hostilities, the issue of which is never certain, always expensive, and beneficial to a few only (the least deserving perhaps,) whilst it must be distressing and ruinous to the great mass of our citizens.

But enough of this! The people must decide for themselves, and probably will do so, notwithstanding the vote has gone in favor of the appropriations by a majority of 51 to 48, as the principle and assumption of power, which has been contended for remains, although the consequences by the present decision probably will be avoided.

With esteem and regard, I am, Dear Sir, your most obedient servant,

GEO. WASHINGTON.¹

This epistle is apparently alluded to in a letter of Charles Carroll to his son, written in 1800, where he says: "Your publishing an extract of General Washington's letter to me, has drawn an attack on me in Martin's paper; the performance is pitiful and unworthy of notice." Again in 1819, Charles Carroll refers to the letter, in writing to Joseph Delaplaine.

¹ Washington, MSS: State Department. Note to Ford's "Writings of Washington," vol. xiii., p. 187.

“Though well-acquainted with Genl. Washington, and I flatter myself in his confidence, few letters passed between us;—one, having reference to the opposition made to the Treaty concluded by Mr. Jay, has been repeatedly published in the newspapers, and perhaps you may have seen it; that letter is no longer in my possession.”

Jefferson, in the personalities of the *Anas*, written in 1818, alludes to this Washington letter, from the standpoint of the ardent Democrat. He speaks of Washington’s being so much under the influence of the Federalists; and that while like the rest of mankind he was disgusted with the atrocities of the French Revolution, he did not do justice to those of his countrymen who still preferred France to England, as a struggling sister republic. He had not sufficient confidence in the “steady and national character of the American people.” In his support of Jay’s Treaty, Jefferson declared, Washington became alienated from him, “as from the Republican body of his fellow-citizens,” and he “wrote the letters to Mr. Adams and Mr. Carroll, over which in devotion to his imperishable fame, we must forever weep as monuments of mortal decay.”¹

The Virginians were so much opposed to Jay’s Treaty, and the principles incidently involved in its passage, that they proposed amendments to the Federal Constitution, covering the points at issue. These were considered in the Maryland Assembly, by a joint committee of both Houses, at its November session, 1796. Charles Carroll of Carrollton who

¹ Writings of Jefferson, Congress Edition, vol. ix., p. 99.

was present in the Senate and an important member of the committee, probably wrote the report, which he brought in, and which undoubtedly reflects his views.

The joint committee of both Houses, to whom were referred the amendments proposed to be made to the Government of the United States by the Legislature of Virginia in December last have had them under consideration for some time, and cannot recommend their adoption for the following reasons:

Should the first amendment be ratified by the legislatures of nine States, no treaty of the least consequence could be made as now authorized without the sanction of a majority of the House of Representatives; thus would that House be let into a participation of a part of the executive power which has been exclusively vested in the President and Senate as fitter for the transacting such business and concluding treaties; for the Senate being a smaller and more select body, it is presumable will be less liable to the influence of party, and therefore treaties will probably be investigated in that house with greater accuracy, and with more temper and judgment, than in the other; nor was this the only reason for giving to the Senate a share of the treaty-making power. All the States being equally represented in the Senate, it was considered that this equality of suffrage, coupled with the control over treaties, would reconcile the smaller States to the preponderancy which the larger possess in the other branch. But the President and Senate may be corrupted, and sacrifice their country to a foreign interest. Are the President and Senate more likely to be corrupted than the Representatives? Few, compared to these, a greater responsibility attaches to their character

and conduct; guilt divided among many seems to lessen, and becomes almost imperceptible in each individual, sheltering and countenancing himself under the authority of numbers. Large popular assemblies, in their public proceedings, have been unfeelingly guilty of crimes from the commission of which each individual standing alone, or supported by few, would have shrunk with horror. We may reasonably conclude, that the State legislatures will, in general, elect into the Senate men of good sense, information and integrity; if they do not, they will either want discernment or honesty, or be actuated by party. Admitting that in particular districts, nay, that in whole States, a party spirit may at times prevail, the delusion, it is to be hoped, will not continue long, and if it should, its spread through the greater portion of the Union is quite improbable. If the State legislatures want discernment or honesty, can their constituents be discerning and honest? Corrupt, indeed, must that people be, and degraded in the extreme, who have not sense enough to discover, or virtue to pursue, their real interests. In an emergency of this kind, what will partial amendments avail? A revolution only, calamity, and long sufferings, can operate their reform, and restore such a people to a just way of thinking and acting.

Does experience call for any of the proposed amendments? To amend a constitution in its infancy, from the dread of imaginary, and not from the existence of real evils, is surely most unwise. So far as the short trial we have had of the Federal Government will enable us to judge of its future operations, we ought to remain satisfied with its present form; for a large majority of the American people, and this State in particular, have repeatedly expressed their approbation of its administration, and their thankfulness for the benefits derived

from that government. No country can be said to enjoy a free constitution, nor will long retain its essence and purity, without proper checks and balances. The framers of the Federal Government have so distributed powers among the parts composing it, that each may control the others; no event has yet discovered that the distribution has been injudiciously made; why, then, has it been thought necessary to alter it? Why take away from two branches, to impart in common to one, that portion of power which was exclusively lodged in the two? Perhaps it may be said that the power has been abused. When parties run high, and are nearly poised, every expedient will be tried to give the mastery to the one or to the other. Does the Constitution present barriers to this wished for ascendancy? These must be levelled; amendments must do them away, and will be proposed by the defeated party on the spur of the occasion; in the very hurry and tumult of the passions, disappointed and foiled in a favorite object, at such a time can amendments be discussed and weighed with that coolness and candor so requisite to the forming a right judgment?

Why should a tribunal, other than the Senate, be instituted for the trial of impeachments? No person has been impeached before the Senate, and therefore no defect in the tribunal can be collected from facts and experiment; the objections, if not altogether proceeding from a love of novelty and change, must have originated from fancied apprehensions of unfairness and corruption in the Senate, as a court. If the government is to be new modelled upon the visionary conceits of speculative men, forever on the change, it never will assume a stable form, and the condition of the people living under it will be as miserable as of those under vague

and uncertain laws, which, partaking of the nature of the government, if this is fluctuating and capricious, those will be equally so.

The third amendment contemplates and provides for a more frequent election and renewal of members in the Senate of the United States. In this respect it appears to the committee to run directly counter to the main end of its institution. The framers of the Federal Government, no doubt, wished to temper and control those sallies of passion which it was foreseen party heat would at times produce in the House of Representatives. No method so effectual for the purpose occurred, as to give to the Senators that permanency which might secure them from the frenzy of the moment; from the contagion of faction, and the unfounded suspicions of prejudice. Besides, from a body durable as the Senate, and appointed in the manner prescribed by the Constitution, more experience in business, more steadiness of conduct, and consistency of views, are to be expected, than from biennial Representatives, owing frequently their election as much to party zeal as to merit. The quick rotation of Senators proposed to be established by the amendment would deprive the Senate of those advantages, which, as at present constituted, it derives from that degree of stability imparted to it by a longer continuance in the trust of its members.

The fourth amendment was evidently levelled at the appointment of Mr. Jay as envoy extraordinary to the Court of London, and no doubt was intended as an indirect censure of that measure. However, it does not strike the committee that the appointment of a judge on a momentous occasion, to execute a temporary and particular commission, has been or can be attended with any inconvenience or danger to the public.

If the preceding observations and reasoning are just the committee submit the following resolve, as proper to be passed by the legislature:

Resolved, That the first and third amendments, proposed in last December by the Legislature of Virginia to be made to the Constitution or frame of government for the United States, ought not to be adopted, because, in the opinion of the Legislature, they would give too great a preponderancy to the House of Representatives, and thus derange the balance of reciprocal control, checks and powers, so happily devised and distributed among the component parts of the Federal Government, and thereby endanger the liberty of the people; that the second and fourth amendments are particularly inexpedient, as not being warranted by the experience of any evils which have resulted from the government as now constituted, or from its administration.

The committee also beg leave to report, that the annual interchange of laws, as proposed by the General Assembly of Virginia, may be attended with beneficial effects, and therefore recommend the following resolve:

Resolved, That the Governor of this State be requested to inform the Governor of the Commonwealth of Virginia, that the Legislature of this State have acceded to their proposition of an annual interchange of the laws of their respective States, and also to an exchange of the existing code of laws in each State, and that the Governor be requested to procure the said laws, and determine and fix upon the means for carrying this resolution into effect.¹

In reviewing briefly Charles Carroll's career in the Maryland Senate from 1792 to 1797, we find him in

¹ Journal of the Maryland Senate.

1793, one of a committee having in charge the project of holding an annual lottery for the benefit of the new city of Washington. “Baltimore-town” was to be legislated into a “city” at this time, and Charles Carroll of Carrollton was one of a committee appointed for this purpose. The Militia Bill was still the subject of discussion and amendment, Charles Carroll continuing to take an active part in its preparation. The sufferers from the insurrection in St. Domingo had sought shelter in “the hospitable States of America” in the summer of 1793, and Baltimore had provided for many of them, the Assembly granting five hundred dollars a week from December to February, and Congress was asked, through the Maryland Senators and Representatives, “to refund the surplus advanced” beyond Maryland’s “just proportion.” Charles Carroll drew up the address to these gentlemen on this subject.¹

The eleventh amendment to the Constitution of the United States was proposed in Congress in 1794, and declared adopted in 1798. Virginia and Massachusetts had both suggested this amendment and worked to secure its ratification. Virginia’s House of Delegates in 1793 had passed resolutions to this end; declaring “That a State cannot, under the Constitution of the United States be made a defendant at the suit of any individual or individuals, and that the decision of the Supreme Federal Court, that a State may be placed in that situation, is incompatible with, and dangerous to, the sovereignty and

¹ Journal of the Senate.

independence of the individual States, as the same tends to a general consolidation of these confederated republics." The Maryland House of Delegates endorsed this view, and advocated amendments to "protect a State in Federal Courts." The Senate, more cautious, and of a more Federal complexion, hesitated, and asked for more time to give the matter consideration. "It is an important question," they say, "which has occasioned great diversity of opinion among men of the first abilities." And when the act to ratify the amendment was voted on in the Senate, December 17, 1794, and passed, Charles Carroll of Carrollton recorded his suffrage against it.¹

A bill before the Legislature, for taking away the funds of Washington and St. John's College was opposed in the Senate, and finally negatived by the Assembly. Charles Carroll was chairman of the Senate committee having the matter in charge; and an interesting account of both of these institutions, is spread upon the journal, in the letters and papers used by their champion to secure the continuation of the fund hitherto allowed them. Maryland's stock in the Bank of England was yet unrecovered, and there was question in the Assembly in 1794, as to the suggestion of having Mr. Jay make it a subject of negotiation in the proposed English treaty. But this idea had been finally abandoned. Charles Carroll was prominent in the Senate and joint committees on the bank-stock affair, as it came up in successive sessions. In the Assembly of 1795, Gen-

¹ *Ibid.*

eral Washington's course was approved of, in the matter of Jay's Treaty, and in other respects, and on motion of Charles Carroll of Carrollton the "Address" of the House of Delegates endorsing the Administration was to be published in all the Maryland papers. At the following session Charles Carroll reported from a joint committee of the two Houses an "Answer" to the Governor's address, in which there are allusions to the President's message, as he is about to retire from public life, and regret expressed at his determination. Washington's "Address to the people of the United States," dated September 17, 1796, is given in the Senate journal, and the resolutions of the Assembly, relating to it, which are highly eulogistic of the *Pater Patriæ*.

At the session of 1795 Charles Carroll had been put upon the committee of three which was to confer with a House committee, on the settlement of the western limits of the State. And in 1796 he was appointed, with Jeremiah Townley Chase, a Commissioner, to settle with Virginia the question of State boundaries. Philip Barton Key was afterwards added to the Commission. Carroll and Chase took the places of William Pinkney then in England, and William Cooke who had resigned. Ten days before the close of the session of 1796, Charles Carroll brought in from the joint committee on the Virginia amendments to the Constitution of the United States, the report which has been already given.¹ In 1797 he introduced a bill for the gradual abolition of slavery, which, however, did not pass. Yet in the latter

¹ *Ibid.*

part of his life he was a “pro-slavery man in all its features, and was most logical in his demonstrations of its influence in this country.”¹

In the summer of 1798, Charles Carroll of Carrollton wrote the following letter to General Washington, on the prospect of war with France, and the preparations in the United States for such an event. It will be noticed how sagacious are Carroll’s prophecies as to the future course of political events in France and the monarchies surrounding her.

DOUGHOREGAN, 9th Aug., 1798.

DEAR SIR:

I was yesterday favored with your letter of the 2nd instant. Your sentiments respecting the proper qualifications of aids to a commander-in-chief, or of a separate army are very just. Unquestionably persons of experience should have the preference, for the forcible reasons you mention; but I thought that they who had acquired experience by actual service during the last war, would aim at and aspire to commands in the army proposed to be raised, or at becoming colonels, majors &c., and that young men chiefly would solicit to be appointed aids.

I sincerely wish that you may not be forced to quit your retirement and place yourself at the head of our army. Nothing, I fear, will prevent the Directory from landing a strong force in one of the Southern States, but the want of the means. It is obvious they aim at splitting the countries surrounding France into small Democracies entirely dependant on the rulers of the *great nation*. They view with a jealous eye the growing strength of this country, and if they can, they will nip it in the bud

¹ *Appleton’s Journal*, September 19, 1874, p. 355.

by dismembering the Union. They have too many partizans among us, influenced by a variety of motives, who will aid their measures, when they dare to cast off the mask. On these traitors, I wish with you, that the expense of our preparations could be thrown, but the mischief is, the far greater part (were it even practicable to subject them solely to the expense) have little or nothing to pay, and this poverty is one of the causes which has enlisted them under the banners of France.

I have observed, that through all the changes of parties and rulers in France, one object has been steadily pursued, the aggrandizement of the terrible Republic, and the depression of its neighbors. All the men placed at the head of the French councils have had ambition, and enterprise. France, if left in possession of its acquisitions, will, on the return of a general peace, turn its attention to the acquirement of a powerful marine, which can be acquired only by an extensive commerce, supported by extensive and opulent colonies. I suspect therefore, that the Directory will wrest from Spain Louisiana, and from Portugal the Brazils. The single island of St. Domingo, when reduced to order and improved, as the French part of it was before the Revolution, will support a flourishing trade. What can prevent Russia, Prussia and Austria from combining with England to defeat the ambitious designs of France? I fear mutual jealousies, weakness of the princes who nominally govern those countries, the corruption of some ministers, and exhausted finances.

It is said Mr. Marshall reports the finances of France to be at the lowest ebb. The want of money may give a temporary respite to Europe, and to this country, but if the interval be not improved in forming a solid union against the ambition, and disorganizing projects of the

French oligarchy, they will be soon revived. Should the present system of French (government it cannot be called) endure any length of time, it will endeavor to undermine by secret intrigues, or subvert by open force, the monarchies of Europe, for the co-existence of those governments is incompatible with that of France. The latter, indeed, is yet to undergo great changes, and may terminate in a monarchy, perhaps more formidable to the independence of Europe, than the subsisting oligarchy, which from the seeds of internal decay cannot be expected to survive many years.

Excuse, sir, this effusion of political conjectures; your letter has partly drawn them from me. I remain with the greatest respect and esteem, dear sir,

Your most obedient humble servant,
CH. CARROLL OF CARROLLTON.¹

John Henry was elected Governor of Maryland in 1797. Charles Carroll at this session, and the following one, reported resolutions from the joint committee to whom the communications relating to the bank stock had been referred, which were not satisfactory to the House of Delegates. The latter wanted to put the matter entirely into the hands of Rufus King, American Minister to England, and the Senate objected to this. Charles Carroll was the writer of a long message to the House, on the subject, dated January 3, 1799, and a final message of the 19th of January. A point at issue between the two Houses was whether they should deduct the claim of James Russell from the bank stock due Maryland.

¹ Washington MSS.; Department of State.

Samuel Chase in letters to Charles Carroll written in 1797-1798, describes the case as it then stood. The widow of James Russell, he urged, had been compensated by the British Government, so that it would be necessary to deduct his claim for something over £10,600, out of the amount to be transferred. Chase writes that he had exerted himself “for fourteen years to obtain for the State a transfer of the whole.” But he thought, as he wrote in a letter dated January, 11, 1798, to insist upon this now would be inexpedient. He believed that the Resolutions proposed by the joint committee, would do harm, and if adopted would “suspend all further negotiations on the subject.”¹

The House of Delegates sustained the view taken by Samuel Chase. The two messages of the Senate, as reported by Charles Carroll are as follows:

January, 3d, 1799.—Gentlemen: We received your message requesting a reconsideration of the resolution relating to the bank stock.

The members of the Senate are ever willing to reconsider their decisions, when new arguments or facts are disclosed, or where, in the hurry of public business, a subject may have been acted upon without that deliberation and discussion which its importance required. But in cases where no new facts nor arguments not heretofore used are produced, the practice is improper. These principles preclude the reconsideration of the resolution; the arguments in your message had been fully considered in the repeated discussions of the subject, no new facts have been discovered to place it in a new or different

¹ Archives of Maryland Historical Society.

point of view. Under these circumstances reconsiderations must produce that instability of decision which you must admit to be inconvenient and even discreditable, to public councils.

Although we decline a reconsideration of the resolution, you are not thence to infer we consider the undisputed possession of the stock of little importance to the State; on the contrary, with you, we deem it an object of great magnitude.

Upon the mere intimations of the Chancellor, and the opinions of council as to the justice of Russell's claim, which we have not seen, and therefore cannot judge of, we can scarcely reason at all, or very imperfectly, for our information upon these points, to say the least, is most imperfect. We fear not, however, of being contradicted in asserting, that the recent payment of Russell's claim by the British Government, after the disclaimer of all right to the stock in question on the part of the Crown, amounts to a full admission of the right of this State, and ought to remove every obstacle to a recovery of the whole. Under these circumstances, and the repeated admissions of our right to a partial transfer, we think the adoption of your resolution would be highly impolitic. The abandonment of a large portion of our claim can only be justified by an immediate and pressing demand for money, or by a well grounded opinion that the whole stock will be hazarded from insisting upon an unconditional transfer.

The state of our treasury evinces that the call for money is not so very pressing, nor can we admit the possibility of losing the whole by contending for what you, as well as we, conceive to be the right of the State.

Although, in the present situation of the funds of the United States, compared with those of Great Britain, it

might by some be thought prudent to direct a sale of our bank stock, when transferred, and to invest the proceeds in the public securities of the Federal Government, yet this measure could not be effected at the present price of bank stock, without such a loss to the State as nothing can warrant but extreme necessity on our part, and the probability that the British Government will either fail or violate its public faith by the seizure of the property in its public funds of a friendly State. A national bankruptcy is a very improbable event, and the seizure even more so; for public credit, sound policy, and the modern practice of civilized nations, have rendered sacred properly in the public funds, even of enemies.

In a few years after a general peace, it is presumable that the bank stock in England will rise very considerably, and we cannot conceive that the State would willingly sustain the loss arising from the admission of Russell's claim, and the present withdrawing this money from England. It has indeed been urged, that although we might not withdraw the bank stock upon terms so disadvantageous, yet it would be politic to obtain a transfer to Mr. King at the certain loss of ten thousand six hundred and fifty pounds sterling, the amount of Russell's claim, and thus prevent farther deductions, by the payment of other claims.

To this observation we reply, that the same principles which would now induce the British Government to transfer the stock, or any part of it, will continue to operate with equal force, unless counteracted by circumstances which at this time we have no right to anticipate; from the interposition of other claims, nothing in our judgment is to be seriously apprehended, since the claim of Russell, the trustee, supposed to be better founded than any of the rest, was disallowed by the

Chancery court for want of equity. You indeed have supposed, that if the stock should continue much longer in its present situation, other claims may hereafter be brought forward and admitted; if this be really your opinion, may not the admission of Russell's claim serve as a precedent for the allowance of others equally unfounded, and which may finally swallow up the whole stock? Nothing is risked by persisting on our right, but a certain, perhaps a total loss, may arise from a contrary and temporizing conduct.

Permit us to observe, that the claims which have already been set up against our bank stock, and determined inadmissible, will not alter their character, and become just and admissible by the lapse of time; but incidents may occur, which, if they will not justify, may at least give color to the retention, in plain English, to the forfeiture of this stock; in discussions of this kind, we should reject the workings of the imagination, and the unreal suggestions of fear, it being the interest of both countries to be upon good terms, and to maintain the subsisting harmony which cannot long be maintained without the mutual observance of justice; we conclude, and upon the strongest foundation, that both Governments will continue to act justly towards each other.

We have reason to believe that the Chancellor had not, in September last, dismissed the bill of the State's assignee, but deferred the dismissal until the Attorney-General should be instructed thereon by the Crown. The last authentic advices from Mr. King to the Secretary of State, communicated by Mr. Chase, through the executive, to the General Assembly at the last session, informed them that the Chancellor would dismiss the bill, on the allegation that he has no jurisdiction of the case; then neither Russell's representative or any other

claimant for compensation out of the bank stock, can recover in a court of equity; indeed, all those whose property has been confiscated, and Russell's family among others (as already observed), have been indemnified by the British Government. Upon what principle, then, can it be maintained, that the King of Great Britain may of right retain the sum awarded and paid to Russell's family? And if that sum, why not others? On no other ground, we conceive, than that the bank stock, formerly the property of the people of Maryland, has devolved on the Crown; will you then be pleased to point out how the King of Great Britain has become heir or successor to the people of Maryland? We are really at a loss to know how the British negotiator will make out the title of his master to the stock of this State in the Bank of England; should he fail in the attempt, the stock surely cannot be considered as property to which no person is entitled, it must belong either to the people of Maryland or to his Britannic majesty; if to the latter, whatever right he may formerly have had to it he has long ago disclaimed.

You have laid great stress on the policy of obtaining a speedy transfer of the stock; to the same purpose it was urged, in a discussion of this subject before the Senate, that if Mr. King, for so many months, had endeavored in vain to procure a transfer, what chance was there that he would be more successful for the time to come? Be it remembered, that the only claim stated by Mr. King, as an obstruction to the transfer, was considered by him as unjust and impolitic; he said he should resist both the impolicy and injustice of it, unless otherwise instructed by the legislature.

Have we any assurances from Mr. King himself, that his opinion of the claim has been since altered? Have

any reasons been adduced by him to prove that what was then unjust and impolitic is now become politic and just? Do we not now know that the claim in question has been satisfied by the British Government long since the dates of Mr. King's letters on this subject to Mr. Pickering? If the transfer has been thus long delayed from the non-payment of Russell's claim, it being now paid, and that stumbling block thus removed, we have the strongest reason to expect, both from the equity of the case and true policy, that the stock, if not already transferred to Mr. King, will not much longer be withheld. But if we pass the resolution, and it should be known in England before the transfer is made, it will be construed into a surrender of the ten thousand six hundred and fifty pounds sterling, awarded Russell, which though already paid by the British Government, may be stopped out of our bank stock, not to be twice paid to Russell's family, not to be returned into the British treasury (for the sum, though an object to this State, is none to that nation), but it will probably be deemed a *douceur*, given to obtain speedily, what really is our right, and will, if insisted on with perseverance, be at length obtained.

Undoubtedly Mr. King will imitate the worthy example of the late envoys of the United States to France and set his face against all *douceurs*; he will not surely purchase redress at the expense of the State, unless imprudently authorized to act differently. Thus judging of that gentleman, our confidence in him is not less than yours, and although we might have been willing to confide to him a real discretion, had nothing transpired on this subject, we again submit to you, whether the publicity of the proposed resolution, when once passed by the Legislature, would not deprive him of the actual exercise of it, by admitting the British Government to a

knowledge of our ultimatum, and whether, under these circumstances, it would not amount to an actual abandonment of Russell's claim.

We do not think that either present circumstances, the interest of our constituents, or the state of our finances, warrant the sacrifice proposed. Believing that the State has a full and perfect right to the whole stock, for its attainment we rely on the justice of our cause, the ability of our minister, and the firm support of the general government.¹

[January 19, 1799] Gentlemen:

As the only reasons adduced in your first message were urged by the agent of the bank stock, when before the Senate, and as most of your House attended on that occasion, we were certainly warranted in asserting, that your message contained no new matter, facts or arguments, to induce us to alter our opinion.

We admit the Chancellor has intimated that he has not jurisdiction of the cause, that the stock is in the hands of the accountant-general, and that the subject is now under negotiation. We contend that the principles of the law of nations ought solely to govern in such a negotiation; that the King of Great Britain ought not to avail himself of the circumstance of the stock being in the hands of the accountant-general to indemnify any of his subjects out of it, if a right to the stock cannot be established in the Crown; that if the King may rightfully thus indemnify one of his subjects, he may indemnify all those whose property has been confiscated by this State, or make such other distribution of the stock as to him may seem meet.

The right of the State to the stock we deem indisputable. In your former message it is said, that eminent

¹ Journal of the Maryland Senate.

counsel in England think differently. We have observed, and repeat the observation, that opinions we have not seen, nor the reasons on which they are grounded, ought not to induce us to relinquish a property to which we are persuaded we have a good and perfect title. If such opinions have been given, and have come to the knowledge of Mr. King, and if the reasons on which they are founded appear in his judgment to have weight, no doubt he will communicate them to the General Assembly, and when communicated, we shall give them all the consideration which their importance may merit.

It is true the negotiation of Mr. King has not hitherto met with the desired success, but it does not follow that he may not succeed hereafter. Matters of this nature between independent sovereignties are not speedily transacted, and this question in particular may have given way to more important discussions. A year or two hence may be as favorable a time for negotiating a transfer as the present, or the past; perhaps more favorable, for then the person forming the chief obstacle to the transfer of the stock may have no control over it.

It is asserted by Mr. Stanley, that the Crown has disclaimed already all right to the stock, and we are informed that Russell's family has been recently paid by the British Government; the information has been given to one of our members, who was requested by his informant not to divulge the person's name; the truth of it, we doubt not will be confirmed in a short time. We cannot conceive what right or title the Crown can now set up to the stock, after the disclaimer in the High Court of Chancery. It may be urged that Russell, as trustee, is entitled to indemnification out of the stock, and that the British Government having paid the ten thousand six hundred and fifty pounds sterling, may

retain that sum out of the stock; first it must be decreed, that Russell was entitled to be indemnified out of the stock, and as the Chancellor has declared he has no jurisdiction of the cause, he cannot decide judicially on the supposed equitable claim of Russell; but the stock cannot be got out of the hands of the accountant-general, it seems, without the consent of the Crown, which may not be obtained, unless we agree to compensate Russell's family. In plain English, the King will avail himself of a mere casualty to withhold part of our stock, without an investigation in a court of equity of the right, in order to indemnify one of his subjects, and thus constitute himself both judge and party. If Mr. King would remonstrate against such a proceeding, with that decision and force of argument of which he is capable, we hope the Chancellor would not persevere in advising his Majesty to adopt a measure so disgraceful and unjust.

We insist, that if a discretionary power be now given to Mr. King, he must consider it a departure from the instructions of the last session, and given for the purpose of procuring a transfer by the loss of ten thousand six hundred and fifty pounds sterling. He will conclude that the State is in such want of money that it is willing to make that sacrifice; as that is not our situation, and were the transfer now made, as we think it would be advisable to let the stock remain an accumulating fund in the Bank of England, till it appreciates much beyond its present value, we cannot consent to leave to Mr. King the use of his discretion, either to accept a partial, or insist on a transfer of the whole stock, as he may judge most expedient; we deem ourselves more competent to judge of the true interest of the State than Mr. King, who certainly cannot be so well acquainted with its finances, wants or resources.

We have expressed an opinion, or rather hope, that the British Government will act justly towards this country; it is the interest of both countries to cultivate peace, and be upon good terms; that differences will occasionally interrupt this harmony, may be expected, but moderation and a due regard to justice and true policy, will probably terminate amicably such differences; we believe that both Governments are disposed to act towards each other in this manner, and though this may be really the disposition of the British ministers, yet it is possible one may be found among them who might not reject a *douceur* to accommodate a friend. Notwithstanding the temporary suspension of payment in cash of its notes, the Bank of England has considerably appreciated within twelve months; about this time in the year seventeen hundred and ninety-seven it was as low as one hundred and nine per cent, by the last intelligence it had risen to one hundred and twenty, and was still rising. From the depressed condition of the commercial rivals of Great Britain, and the great marts and sources of trade, which peace will probably leave in the possession of that nation, we may fairly conclude, that in a short time after a general peace the Bank stock of England will attain a higher value than ever. In this view of the subject, we deem it unwise to sell our bank stock at present, were we now in possession of it.

The objects referred to in your message unquestionably merit the attention and patronage of the Legislature, and if money could be borrowed or a small sum even advanced by the State, to remove obstruction in the bed of the Susquehanna, individuals might be encouraged to co-operate in opening its navigation, without incurring so great a loss as the present sale of our bank stock would occasion. The State is not entirely desti-

tute of the means of adding the navigation of the Patowmack and Susquehanna; to render it as complete as nature will admit, will require time and more money than we can now command. When peace has raised the value of our stock in the Bank of England, a sale of part may be made, and the proceeds applied to those two great objects; we doubt not the wisdom of our successors will make the application; the very difference between the present and future probable value of our bank stock would more than complete the navigation of those rivers.

If we apprehended that the State might lose the whole of its stock by insisting on the unconditional transfer, we would assent to your resolution, but believing that no risk is incurred, we will not submit to a certain loss to obtain what we flatter ourselves will be obtained from the justice of our case in the course of a few years.¹

The following letter relating to the navigation of the Potomac was written by Charles Carroll of Carrollton to General Washington, in reply to the latter, who had expected to see Carroll and others in Georgetown at a proposed meeting of the Potomac Company. These were probably the last letters that passed between the two friends.

DOUGHOREGAN, 5th Aug. 1799.

DEAR SIR:

I did not receive your favor of the 21st past, until yesterday. The pleasure of seeing you at George Town would have been a strong inducement to me to attend the meeting of the Company to be held there this day, even on so short a notice of your intention of giving your attendance, had I not learnt at the same time I got

¹ *Ibid.*

your letter that you have been lately much indisposed. Mr. Law, however, from whom this disagreeable intelligence came, concluded his letter, I am told, by saying you was then on the recovery. I sincerely hope and wish you may be speedily restored to perfect health.

I have written to my relative Mr. Dan: Carroll of Duddington, and authorized him to subscribe on my behalf one hundred dollars for each of the shares I hold, provided the sum of forty thousand dollars be subscribed. The circular letter of the directors states that \$60,000 will certainly complete the navigation from above Fort Cumberland to tide-water; a less sum therefore than \$40,000, I conceive if subscribed and *paid*, would be doing little or nothing. No person who could be depended on, would undertake *by contract* a work for twenty or thirty thousand dollars, the completion of which according to accurate estimates, would require \$60,000. I entirely coincide with your opinion, that what remains to be done to perfect the navigation of the Potomack, should be done by contract, under the inspection of the directors, or of one or two confidential and intelligent persons to be by them appointed to superintend the contractor.

I have, Sir, an opinion equally sanguine as yours, of the eventual productiveness to the stockholders, and utility to the public of this great undertaking, but fear it will not be completed for some years, from the want of funds, and the inability of the stockholders to furnish them to the extent estimated and required. This State, to judge from the transactions of the last session of its legislature, will advance no more money towards that object, and similar causes may produce the same effects in the Legislature of Virginia.

I beg you to present my respects to Mrs. Washington,

and to receive the assurance of the perfect esteem and very sincere regard of,

Dear Sir,

Your most humble servant

CH. CARROLL OF CARROLLTON.¹

Charles Carroll's able management of the affair of the bank stock, and his statesman-like papers on the subject, in which the rights and dignity of the Government of Maryland are upheld, in a controversy with the Government of Great Britain, form a fitting close to the services rendered his native State in a long public career. As a Federalist, he doubtless, in the session of 1798, fully endorsed the action of the Assembly, in their address to President Adams, approving of his administration, both in its foreign policy and its "late regulations for internal quiet;" and he may have suggested the Senate's amendment in reference to the "faction opposed to the government of our choice." John Adams in his reply complimented Maryland in these words: "Convinced, as I have been, by an attentive observation of more than twenty years, that there is no State in this Union whose public affairs, upon all great national occasions, have been conducted with more method, wisdom and decision, or whose results [*sic*] have been the effect of a more comprehensive and profound view of the subject, than those of the State of Maryland etc."

There was reserved one more scene in the Assembly in which Charles Carroll of Carrollton was to be a conspicuous figure, the impressive

¹ Pennsylvania Historical Society.

occasion of the announcement of Washington's death, in the session of 1799. On December 17th, the Senate, "to give the people a public opportunity of regretting the irreparable loss which their country has sustained" proposed a day of "mourning, humiliation, and prayer," throughout the State. It was then ordered, "That Mr. Carroll and Mr. Forrest" communicate the above Resolution to the House of Delegates; and also the Resolution that, "The General Assembly of Maryland, feeling the most undissembled sorrow for the irreparable loss of the illustrious Washington, and anxious to pay every tribute of respect to the memory of the departed friend to his country," furnish a scarf and hatband to the Governor, President of the Senate, and all the members of the Senate and House, in attendance on the Assembly, all the Council, clerks, and every officer of the State and General Government in Annapolis "to be worn during the session as the external mark of their unfeigned grief."¹

Roger Brooke Taney, then serving his first year in the Assembly, as the young member from Calvert County in the House of Delegates has preserved a touching account of Charles Carroll's appearance with these Resolutions, in the House of Delegates. It will be seen that Taney's memory was at fault as to Carroll's colleague, who was not John Eager Howard, then in Congress, but the prominent member of the Senate, Uriah Forrest of St. Mary's County. This gentleman had been a lieutenant-colonel in the Maryland Line, receiving a wound at

¹ Journal of the Maryland Senate.

Germantown from the effects of which he never recovered. He had also served in Congress, both before and after the adoption of the Federal Constitution.

“General Washington died while the Legislature was still in session. The news reached Annapolis in the evening, and the next morning, when the House met, almost every countenance looked sad, and nothing else was spoken of. Immediately after the Houses were organized, the Senate sent down a message to the House of Delegates proposing to pay appropriate honors. Charles Carroll of Carrollton and John Eager Howard [Uriah Forrest] two of the most distinguished men in Maryland were appointed by the Senate to bring the message, and I never witnessed a more impressive scene. The two honored Senators with their gray locks, stood at the bar of the House with the tears rolling down their cheeks. The Speaker and members rose to receive them, and stood while the message was delivered. It was no empty formal pageant. It was the outward sign of the grief within, and few were present who did not shed tears on the occasion. My eyes, I am sure, were not dry.”¹

¹ Tyler’s “*Life of Roger Brooke Taney*,” p. 85.

CHAPTER VII.

RETIREMENT FROM PUBLIC LIFE.

1800–1807.

WITH the beginning of the new century Charles Carroll's public career came to an end, the session of 1800 being his last one in the Maryland Senate. The Federalists who were in a majority of two to one in the House of Delegates in 1800, were reduced to a minority in 1801, and the political character of the Senate was, of course, altered as materially, the victorious party of Jefferson having been triumphant in Annapolis as well as in Washington.

The question of the mode of appointing electors for President and Vice-President agitated Maryland at this time. The Virginia Legislature had passed a law requiring electors to be chosen by a general ticket; this gave the whole electoral vote to Jefferson. Maryland wanted to give her whole vote to John Adams, but though the counties were Federalist, Baltimore, with its large commercial interests, was in favor of Jefferson, and in order to prevent Baltimore's majority from overpowering

that of the counties, it was proposed that the Legislature should elect the electors. Robert Goodloe Harper wrote a pamphlet in favor of this plan, but many objected to it as depriving the people of their rights. The contest resulted as has been said, in the defeat of the Federalists. The following correspondence between Charles Carroll of Carrollton and Alexander Hamilton, touches upon this point and it is seen how strongly Carroll distrusted and dreaded the new party which was coming into power with the election of Jefferson.

ANNAPOLIS, 18th April, 1800.

DEAR SIR:

...We have strange reports circulated among us respecting the prevalence of Jacobinical principles in your State. It is asserted with confidence by the Antifederal party here, that all your electors will vote for Mr. Jefferson as President. If such an event should really happen, it is probable he will be chosen. Of such a choice, the consequences to this country may be dreadful. Mr. Jefferson is too theoretical and fanciful a statesman to direct with steadiness and prudence the affairs of this extensive and growing confederacy. He might safely try his experiments, without much inconvenience in the little republic of St. Marino, but his fantastic tricks would dissolve this Union. Perhaps the miseries of France, and more especially the government of Buonaparte, may have weaned him from his predilections for revolutions. I once saw a letter of his, in which, amongst several others, was contained this strange sentiment,—‘that to preserve the liberties of a people, a revolution once in a century was neces-

sary.' A man of this way of thinking, may be said to be fond of revolutions; yet, possibly, were he the chief magistrate, he might not wish for a revolution during his presidency.

I beg my respects to Mrs. Hamilton, and to be kindly remembered to General Schuyler.

I am, with very great regard and esteem, Dear Sir,

Your most humble servant,

CHARLES CARROLL OF CARROLLTON.¹

[To Alexander Hamilton Esq.]

NEW YORK, July 1st, 1800.

DEAR SIR:

I yesterday returned from an excursion through three of the four eastern States, and found your letter of the 18th of April. It is very necessary that the true and independent friends of the government should communicate, and understand each other, at the present very embarrassed and dangerous crisis of public affairs. I am glad, therefore, of the opportunity which your letter affords me of giving you some explanations which may be useful. They are given without reserve, because the times forbid temporising, and I hold no opinions which I have any motives to dissemble. As to the situation of this State with regard to the election of President, it is perfectly ascertained that on a joint ballot of the two houses of our legislature the opposers of the government will have a majority of more than twenty; a majority which can by no means be overcome. Consequently all our electors will vote for Mr. Jefferson, and Mr. Burr. I think there is little cause to doubt that the electors in the four eastern States will all be federal.

The only question seems to be as to Rhode Island,

¹ Hamilton's *Works of Alexander Hamilton*, vol. vi., p. 434.

where there is some division, and a state of things rather loose. Governor Fenner, as far as he may dare, will promote the interest of Jefferson.

A considerable diversion in favor of the opposition has lately been made in New Jersey. But the best and best informed men there, entertain no doubt that all her electors will still be federal, and I believe this opinion may be relied upon.

I go no further South, as I take it for granted your means of calculation with regard to that quarter are, at least, equal to mine.

The result of a comprehensive view of the subject, seems to me to be, that the event is uncertain, but that the probability is, that a universal adherence of the federalists to Pinckney will exclude Jefferson.

On this point there is some danger, though the greatest number of strong minded men in New England are not only satisfied of the expediency of supporting *Pinckney*, as giving the best chance against Jefferson, but even prefer him to *Adams*; yet in the body of that people there is a strong personal attachment to this gentleman, and most of the leaders of the second class are so anxious for his re-election that it will be difficult to convince them that there is as much danger of its failure as there unquestionably is, or to induce them faithfully to co-operate in Mr. Pinckney, notwithstanding their common and strong dread of Jefferson.

It may become advisable, in order to oppose their fears to their *prejudices*, for the middle States to declare that Mr. Adams will not be supported at all, when seeing his success desperate, they would be driven to adhere to *Pinckney*. In this plan New Jersey and even Connecticut, may be brought to concur. For both these States have generally lost confidence in Mr. Adams.

But this will be best decided by future events and elucidations. In the meantime it is not advisable that Maryland should be too deeply pledged to the support of Mr. Adams.

That this gentleman ought not to be the object of the Federal wish, is, with me, reduced to demonstration. His administration has already very materially disgraced and sunk the government. There are defects in his character which must inevitably continue to do this more and more. And if he is supported by the federal party, his party must in the issue fall with him. Every other calculation, will in my judgment, prove illusory.

Doctor *Franklin*, a sagacious observer of human nature, drew this portrait of Mr. Adams:—"He is always honest, *sometimes* great, but *often mad*." I subscribe to the justness of this picture, adding as to the first trait of it this qualification—"as far as a man excessively *vain* and *jealous*, and *ignobly* attached to *place* can be."

With consideration and esteem, I am, dear Sir, &c

[ALEXANDER HAMILTON.]

TO CHARLES CARROLL OF CARROLLTON.¹

BROOKLANDWOOD, near BALTIMORE, Aug. 27th, 1800.

DEAR SIR:

I received this morning, at this place, the country residence of my son-in-law, Mr. Caton, your letter of the 7th instant. I wish it were in my power to give you pleasing intelligence of the politics in this State. Our county (Ann Arundel), which was lately so federal is at present much divided in the upper part of it. I suspect there is a majority for anti-federal candidates to our

¹ *Ibid.*, vol. vi., p. 445.

State legislature. This change of sentiment has been principally effected by a few characters, who, profiting by the report that our legislature would take from the people the right of choosing the electors of President and Vice-President, have infused such jealousies into the minds of the people, that I fear the federal ticket will not prevail in Ann Arundel, unless the candidates will promise not to take from the people the choice of electors.

Notwithstanding the arts, and lies, and indefatigable industry of the Jacobins in this State, I am of opinion a great majority of its inhabitants are friendly to the federal government and its measures. I suspect Jefferson and Burr will have three votes in this State, and that the electors will be chosen by districts, and not by the legislature. The federal electors will vote for Adams and Pinckney, although the former has lost the confidence of many of the federals from the incidents to which you allude, and which are pretty generally circulated through this State.

It is the character of the age to be timid and suspicious; and this infirmity, so natural to men of my time of life, has no doubt its influence on my mind. I much fear that this country is doomed to great convulsions, changes and calamities. The turbulent and disorganizing spirit of Jacobinism, under the worn-out disguise of equal liberty and right, and equal division of property, held out to the indolent and needy, but not really intended to be executed, will introduce anarchy, which will terminate here, as in France, in a military despotism.

I understand Jefferson and Burr have all the votes in Virginia. How the votes will be to the southward of that State I can form no opinion, having no sure data to form one. If the Virginia electors should suspect that

Burr might out-vote their favorite, Jefferson, they would leave out Burr, or only leave him a few votes.

I hope the eastern electors, in a case of so much importance, and when they come to consider the baneful effects which may result from their giving a chance to the election of Jefferson or Burr for President, will vote unanimously for Adams and Pinckney: if they do not act in this manner, it is highly probable that Jefferson will be elected President.

Although I dislike laws and changes suited to the spur of the occasion, yet as I see many evils are likely to result from the choice of a Jacobinical President, the insidious policy of Virginia should, in my opinion, be counteracted; and if we should have a federal House of Delegates (of which I really have doubts from the present ferment in public minds,) I hope the legislature will choose “pro hac vice,” the electors of President and Vice-President. I say I *hope*, for I am not certain, even if the new House of Delegates should be federal, that they would pass such a law, as many of the members will probably be instructed not to vote for it.

I have given you my sentiments upon the subject of your letter and all the information I possess, which, to speak the truth, is chiefly derived from others, and those well disposed to our present government.

Burr will probably act with more decision than Jefferson, if elected President, and will go on better with his party, but will not Jefferson be afraid to disoblige his party, and may he not be driven to measures which his own judgment would reject.

A wise and federal Senate may, for a considerable time, restrain the wild projects of the Jacobin faction, and in politics as in war, who gains time, I will not say with the great Frederick, *gains everything*, but gains a *great deal*.

If the war in Europe should be protracted to another year, I fear the anti-federal party will endeavor to precipitate this country into a war with England, and the depredations committed by her cruisers on our trade will aid their designs. I hope, however, the coming winter will produce a general peace. In that event we shall have one evil the less to dread from the machinations of the enemies of order and, good government.

It is much to be wished that our envoys to France may be able to accommodate our differences with that nation, before peace is concluded between it and England, otherwise Buonaparte will, I fear, make us purchase the forbearance of the great nation at a very dear rate.

I am with sentiments of high esteem and respect, dear
Sir, Your most humble servant,
 CHARLES CARROLL OF CARROLLTON.

[TO ALEXANDER HAMILTON, ESQ.]¹

Two marriages in the family of Charles Carroll of Carrollton about this time, must have been matters of deep interest to him as a parent, making, as they did, a complete change in his domestic circle. Charles Carroll, Jr. married on the 17th of July, 1800, Harriet, daughter of the Hon. Benjamin Chew, Chief Justice of Pennsylvania, of the same family as the Chews of Maryland and Virginia. Judge Chew had been twice married, and was the father of six daughters. Several of these ladies were celebrated as belles in the social annals of Philadelphia. Of the two elder ones, Joseph Shippen, one of Philadelphia's local poets, wrote in flattering phrases in some lines on the city beauties; while "Peggy"

¹ *Ibid.*, vol. vi., p. 467.

Chew, the eldest of the younger group of sisters, was one of the heroines of the “Meschianza,” in which entertainment she was associated with the unfortunate Major André by whom she was greatly admired. Though the Chews were Tories, the beautiful “Peggy” married a gallant Continental officer, Col. John Eager Howard. This wedding took place in 1787, at the time of the session of the Federal Convention, and General Washington was present at the ceremony.

The three other sisters were Harriet, Mrs. Carroll; Sophia, Mrs. Henry Philips; and Maria, Mrs. Micklin. Portraits of Mrs. Howard, Mrs. Carroll, and Mrs. Philips are extant painted, the former by Pine, and the other two by Trumbull. A daughter of Benjamin Chew, Jr., only brother of these ladies, married the Hon. James Murray Mason of Virginia. The beautiful home of the Chews at Germantown—“Cliveden”—erected in 1761, still stands, and remains in possession of the family. It attained celebrity during the Revolution as the Chew House, around which the battle of Germantown was fought. Sophia and Harriet Chew were great favorites with Washington, and he saw much of them while Congress was in session at Philadelphia. When Washington sat for his portrait to Gilbert Stuart at the artist’s house in April, 1796, it is related that he was several times accompanied by Harriet Chew, “whose conversation, he said, should give his face its most agreeable expression.”¹ Col. Howard had entered Congress, from Maryland, in 1796.

¹ Griswold’s “Republican Court,” p. 411.

Charles Carroll, Jr., was twenty-five at the date of marriage, and tradition says he had been in love earlier with Nellie Custis, the charming granddaughter of Mrs. Washington. A letter from Charles Carroll of Carrollton to his son, dated the 3d of July, has this quaint allusion to the marriage settlement, and the fee to the lawyer, Charles Carroll's relative and old friend, William Cooke. "Mr. Cooke asks a quarter cask of Madeira for drawing the marriage settlement. I have written him that I shall present you this summer or autumn with a but of Madeira out of which you will let him have thirty gallons."¹ In the same letter the father writes: "I cannot be present at the ceremony. A journey to Philadelphia at this hot season would be too fatiguing for me." It will be remembered that at this time a journey to Philadelphia from Baltimore was no light undertaking, and could not be accomplished in less than five days. The young couple established themselves at "Homewood," an estate in Baltimore County, on which Charles Carroll of Carrollton had built for his son a handsome brick residence, which is still standing, attracting the admiration of modern architects.²

One mile south of "Homewood" was the Patterson place "The Homestead" where Jerome Bonaparte and his brilliant American bride lived for the one short year of their ill-starred alliance. The hills around the growing young city of Baltimore

¹ Family papers, Hon. John Lee Carroll.

² "Examples of Domestic Architecture in Maryland and Virginia." By James M. Corner and E.E. Soderholtz. Boston, 1892.

were adorned with the country homes of many of its prominent citizens, most of them included since within its corporation limits. The neighboring residence to "The Homestead" was "Green Mount," now a cemetery, but then the handsome estate of Robert Oliver. At "Druid Hill," Baltimore's beautiful park, lived Col. Nicholas Rogers, a Revolutionary officer who devoted his last years to the delights of landscape gardening. Col. John Eager Howard had brought "Peggy Chew" from stately "Cliveden" to a newer but even more imposing home in Maryland, lovely "Belvedere," now a most valuable city property. Among Col. Howard's liberal gifts of land to Baltimore was the ground on which stands the Washington Monument. He was wise enough, however, in his bequests to provide that "Belvedere" should not be swallowed up in the city's progress. When in 1784, he subscribed a certain amount of money for opening Calvert Street, he gave it with the condition that the street should not be made to run through his grounds. "Beechwood," the home of Robert Gilmor, lay on an elevated site west of Baltimore, overlooking the wide river. And nine miles from the city rose the walls of palatial "Hampton," built by Capt. Charles Ridgely of the Continental Navy, in 1783. This place remains today in the Ridgely family, and like "Doughoregan Manor," it is kept up in all the pride and beauty of these years of which we write. Mary Caton lived with her husband at "Brooklandwood" another handsome estate not far distant, at the entrance of what is known as Green Spring

Valley. And here the lovely Caton sisters were to grow up, three of them marrying abroad, later, into titled English houses.

Other country-seats nearer Washington, where lived Charles Carroll's relatives or friends, were "The Woodyard," "Poplar Hill," "Melwood," "Bel Air" and "Oxon Hill," the homes of the Darnalls, Sewalls, Diggeses, Ogles, and Addisons. The easy social life of the Southern planter and country gentleman, Charles Carroll of Carrollton would now have leisure to enjoy, unimpeded by calls of public duty. But in this the last year of the Federalist administrations, he had many misgivings for the future of his country which was to exchange the policies of Washington and Adams for the untried system of Jeffersonian Democracy. In a letter written to his son, a few months after the latter's marriage, he expresses the same views confided to Hamilton, and he seems to fear anarchy, and to contemplate seriously the possibility of being driven into exile. He writes from the home of Mrs. Caton, (from which place he had dated his letter to Hamilton of August 27th) and he had just been on a visit to Col. Howard.

BROOKLANDWOOD, 23rd Oct., 1800.

DEAR CHARLES:

I got here last night more than two hours after sunset. Mr. Caton accompanied me from Belvedere. We were overtaken with a thunderstorm about three miles from this place, and heavy rain. We took shelter and remained upwards of an hour in a poor cottage where we sat during the height of the storm by a comfortable fire.

The good inhabitant, a mother, was giving supper to her three children; it consisted of boiled Irish potatoes and milk. They ate their supper with a good appetite, and were immediately put to bed. What do you think were my thoughts during this scene? It occurred to me that in the course of a few years I might be driven into exile by the prevalence of an execrable faction, and forced to shelter in as poor a hovel the remnant of a life, a considerable part of which had been faithfully devoted to my country's service. I reflected, however, that if this turn of fortune should fall to my lot, that very little would support nature. This train of thought brought forcibly to my mind the wise lesson of Ulysses to one of the suitors. You will find it in the 4th volume of the *Odyssey*. It is well worth your perusal and observance; the poetry is fine, the advice worthy the wisdom of the much enduring and experienced man, and the morality truly sublime. Such reflections are necessary and should be frequently entertained in times like these, by men whose present prospects are bright and promising. They serve to prepare the mind for adversities, and enable us to bear the frowns and snubs of Fortune with resignation and fortitude. A mind thus lectured and tutored, will derive self-satisfaction from the consciousness that it will remain firm and unbroken in the midst of adverse storms. Can the pitiful pleasure resulting from a fine equipage and the gratifications of wealth, which the greatest villains may enjoy, be compared with this firm and steady temper of the mind, and its advantages?

Give my love to Harriet, and kind remembrances to her sister Maria and the rest of the family. I called Tuesday on Mrs. Howard. She and the children and Miss Nancy were well. They will remove next Friday from the country to Belvedere. Enclosed is a letter for

Maria which I forgot to leave with Nancy Lloyd to be put into the post-office. I hope Maria will excuse this forgetfulness. I send you also a letter from your acquaintance Geraw which I opened through mistake, thinking it addressed to myself. Mr and Mrs Caton desire to be kindly remembered to you and Harriet and the dear family.

Be frugal, be thoughtful, be methodical. You will have great occasion for the full exercise of all these qualities.

Your affectionate father

CH. CARROLL OF CARROLLTON.¹

Extracts from other letters of Charles Carroll to his son, written in 1801, are interesting as revealing his fine character, his piety, and his prudence and exactness in the conduct of his affairs. And his political speculations, curiously incorrect as they proved to be, exhibit the old apprehensions of a too feeble “confederacy,” with the resulting effect of its early dismemberment, which he shared with most of his party.

ANNAPOLIS 30th January, 1801.

...I am glad to hear that you and your wife both look very well, tho’ you complain of not being well, for want of occupation and exercise. Homewood should occupy you and the weather, excepting a few days past, has been well suited to exercise.

You must exercise not only your body, but mind, both will become torpid and diseased, if exercise and study be neglected and disused. Accustom yourself to think, and when you read, read with attention, and for im-

¹ MS: Letter, owned by Hon. John Lee Carroll, published in part in *Appleton’s Journal*, Sept. 19th, 1874.

provement, not to kill time, which always hangs heavily on idlers. Pursue this method; after you have been reading till your attention begins to flag, reflect on what you have read, examine the justness of the author's thoughts, and compare them with your own on the same subject; if it be scientific and argumentative, examine whether the inferences are logically drawn from the premises; if merely literary, endeavor to treat the same topic, and try whether you can express your sentiments as justly, as neatly and concisely as the author. The most beautiful thoughts are always expressed in the plainest language which ought to resemble the dress of an elegant woman, and be *simplex mundities*. The most sublime and affecting passages in Virgil, and even in Shakespeare, who is too often turgid, are clothed in such language. It is this charm which endears the poetry of Pope to every classic reader of taste.

In improving your mind, remember your God. The fear of the Lord, says the wise man, is the beginning of wisdom; without virtue there can be no happiness; and without religion, no virtue; consider yourself as always in the presence of the Almighty, if this sentiment be strong and vivid, you will never sin or commit any action you would be ashamed to commit before man. *Vitæ bene anteald*, says Tully, *jucundessema est recordation*; and Pope sings: 'and peace, oh virtue, peace is all thy own'. God bless you."

"8th February... I wish you to learn the value and real use of money; perhaps experience may teach you this useful and necessary lesson; but reflection is necessary to acquire it, and energy of mind and personal activity and firmness are not less so to conduct you affairs to advantage.

The story you have related of Adams is conformable

to his character. I have given him up since the receipt of Mr. Henry's letters; neither Jefferson or Burr can make so bad a president as Adams, had he been re-elected; it is fortunate indeed for this country that he was not. I hope Burr will be chosen by the House of Representatives. I had some hopes, before I read Jefferson's letter published in the *Federal Gazette* of last Friday, that he would, if elected, administer the government wisely, and thus if not extinguishing party at least moderate its excesses; but it is impossible, if the sentiments disclosed in that letter are his *real* sentiments, that he can act with wisdom. The man who entertains such ideas is totally unfit to govern this or any other country. If he does not think as he writes, he is a hypocrite, and his pitiful cant is the step ladder to his ambition. Burr, I suspect, is not less a hypocrite than Jefferson; but he is a firm, steady man, and possessed, it is said, of great energy and decision; the other poor creature, will be afraid of using his constitutional powers in defence of the people, lest he may offend these ignorant and suspicious sovereigns. Thus will the powers of the general government, at least the executive part of it, be benumbed and gradually usurped by the larger States and so will terminate the Union, if Jefferson should continue President for eight years....

*“Annapolis, 12th February: My affairs at present are in good order, my accounts clear and regular, and in the condition I hope to leave them when I depart hence.”*¹

On the first of May, 1801, Catharine Carroll was married at Annapolis to Robert Goodloe Harper of South Carolina. This gentleman, eminent as a lawyer and as a statesman, was born in Virginia

¹ Family papers, Hon. John Lee Carroll.

in 1765. As a boy of fifteen he had fought under Greene in the Southern campaign. Sent to Congress from South Carolina in 1794, he developed later into a leader of the Federalists, and was considered one of their ablest debaters. He made his home in Maryland after his marriage, entering the U.S. Senate in 1815. Many of Charles Carroll's letters to this son-in-law are extant, and with those to his son, supply a record of the patriot's life for a long period, as far as that could be manifested in an intimate and affectionate correspondence.

Charles Carroll of Carrollton wrote to Charles Carroll, Jr., from "Doughoregan," July 10th, 1801: "Do not neglect to attend to this matter [some business concern]. He who postpones till tomorrow what can and ought to be done today, will never thrive in this world. It was not by procrastination this estate was acquired, but by activity, thought, perseverance, and economy, and by the same means it must be preserved and prevented from melting away." Charles Carroll speaks in this letter of going "to Carrollton the latter part of September," his usual time for visiting this plantation. The birth of a grandson and namesake on the 25th of July, 1801, is thus alluded to in a note of congratulation dated the following day: "I sincerely rejoice with you on the recent happy event, the birth of your son. May this child when grown to manhood be a comfort to his parents in the decline of life, and support the reputation of his family."¹

The letters to Robert Goodloe Harper are full

¹ Family papers, Hon. John Lee Carroll.

of allusions to public affairs. Writing from Annapolis, March 10th, 1802, Charles Carroll says: "I have read Giles' speech. It is the most specious which I have seen on that side of the question, and I suspect that Jefferson, Madison, and Giles have clubbed heads to produce that artful piece of sophistry, for in reality it is destitute of sound argument, and is convincing proof to my mind that these men are acting against their own conceptions of the true meaning and spirit of the Federal Constitution."¹

Other letters of 1802 to Harper are as follows:

"Annapolis, March 14th: I have just heard two pieces of intelligence which if true are both important. That the Spanish government has purchased from the French, Louisiana, for twenty millions of dollars and that our bank stock claim has ceased to be an object of diplomatic negotiation, and is remanded back to the Court of Chancery for a legal decision, and that the same commissioners are to proceed in the liquidation of debts due from American citizens to British subjects. If this last intelligence be true it looks as if the British ministry were bent on quarrelling with this country, or that it is no object with them to have a good understanding, and be on a friendly footing with us. Dr. Murray who has just left me, says that Mr. Whittington brings from the seat of government these articles of news. The first I hope is true; the second I am not sorry for, as in my judgment so plain a case as the right of this State to its stock in the Bank of England ought never to have been taken out of the Court of Chancery and submitted to negotiation.

¹ Family papers, Mrs. William C. Pennington.

I can scarcely credit all the news; if the British cabinet insist on the same commissioners going on and ascertaining what debts the general government must pay, Congress must give up the idea of repealing the internal taxes, for McDonald and his associates will award to British subjects at least \$20,000,000 if they act upon the same principles which guided their former conduct.”

“*Doughoregan, July 4th*: I had formerly stipulated with my slaves claiming freedom as descendants from Joyce, that I would abide by the issue of the trial of Charles Mahoney. The council for the petitioners informed me that if I would renew that stipulation and extend it to the event of the trial to be had next October term, they would not file petitions for freedom against me.... The question on which the Court of Appeals differed from the General Court was that if Joyce being a slave was carried to England and from thence brought to this country her issue did not by such event become free. When the former trials were had in the General Court, the council for Ashton urged the jury to find in their special verdict that, Joyce was a slave in Barbadoes, and was thence carried to England by her master and sold to Lord Baltimore, but the jury refused to find this fact; they found only that Joyce came from England with Lord Baltimore. And if on the trial to be had in October the jury should be of the same opinion, the petitioners for freedom will succeed, the Court of Appeals having on the last point affirmed the judgment of the General Court. The only material fact is, *where did Joyce come from to this country?* If from England, Ashton must prove she was carried there as a Slave. I think the weight of testimony on the former trials was contrary to that fact, and so the juries found.”

“*December 10th*: It is reported here, but I suspect

without foundation that *Thomas* the great man, begins to be tired of his friend *Paine*.”

“*December 14th*: Jefferson and his chief partisans at the seat of government may pretend to be disgusted with *Paine*, but that they are really so I do not believe. They find his late publications injure their cause with some of their own party, and therefore they may wish to discard the author, but his political principles are approved by all of them, and his abuse of Washington by several, and I fear very many of them approve of his blasphemous writings against the Christian religion.”¹

Charles Carroll of Carrollton was one of three gentlemen who were deputed by the Governors and Visitors of St. John’s College in March 1803, “to publish an account of the state of the college, and of the advantages it possesses and may afford.”² In continuing the excerpts from the correspondence with his son-in-law, we find Charles Carroll writing much of European politics, and the great Napoleonic wars then absorbing the attention of the civilized world, and indirectly affecting the interests of the United States.

“1803, 25th *April*: Notwithstanding the dispatch to Yrou [D’ Yrujo] I am still of the opinion that Bonaparte directed his master to instruct the Intendant at New Orleans to shut that port against us, to feel the pulse of the western people and thus to appreciate the public sentiment of the United States, and to act accordingly as the temper of this country and the existing state of things in Europe might suggest the properest mode of proceeding with us. Seeing the probability of war be-

¹ *Ibid.*

² Riley’s History of Annapolis, p. 210.

tween France and England, Bonaparte, I suspect, has ordered the King to countermand his former instructions and to send those forwarded to Yruo [D' Yrujo] by the late arrival. If war should take place between England and France, I hope the first expedition of the English will be against Louisiana and the two Floridas, and if conquered that they will sell to the United States both those provinces."

"Doughoregan 8th June: By some late English newspapers and a letter from Mr. William Cook, Senr., I perceive that Malta is not the principal cause of difference between England and France. Bonaparte is using every art and all his influence to exclude the British manufacturers from the continent of Europe, and I suspect has prevailed over the countries over which he has supreme control, to pass laws against the introduction of British wares and merchandise. This surely is war in reality though not in name, and the ministry of Great Britain seemed determined not to suffer France to trade as long as Bonaparte pursues such hostile measures against the commerce of England. Yet why have they permitted several vessels with troops for St. Domingo to sail from Dunkirk and other ports of France? If Bonaparte lives and rules, war between France and England is inevitable in my opinion. As soon as the English can get a sufficient force at sea, I expect they will block up all the ports of France."

"Doughoregan, 23rd June: By the last intelligence from Belfast the probability of war is greatly increased, but that event was not decided when Capt. Barber sailed. It appeared that Lord Whitworth was expected in London in a few days, and that Andreossi had applied for his passports, yet I cannot help thinking that Bonaparte will concede some points, and try to renew the

negotiation to spin it out and to gain time. He cannot be prepared for a naval war with England, and the invasion of that island in the face of so great a superiority of her power at sea would be a most rash attempt, which would probably terminate in a signal defeat, and the loss or capture of many ships and 50,000 men; such an event might shake the consul's throne and restore the monarchy to the ancient line of the Bourbons. Depend upon it the present administration will not join Great Britain in a war against France. Bonaparte will feed Monroe with fair and fine promises, and those will be accepted and depended on; great advantages will be promised to the United States, perhaps a free trade to the French colonies on the same terms with the trade of France to those colonies for a limited period after the termination of the war with Great Britain; a perpetual grant of deposit to New Orleans, the free navigation of the Mississippi.

I am of opinion it would be good policy to unite with Great Britain against France and her allies, seize upon all the country to the east of the Mississippi, and under cover of the British fleet land 30,000 men in the province of Yucatan, march to Mexico, then to Peru, and to declare the Spanish colonies independent, and their independence to be guaranteed by Great Britain and the United States. If we enter into the war I am not for doing things by halves. If Monroe is instructed to negotiate only for the right of navigation through the Mississippi, to be acknowledged by France as a *perpetual* right, secured to us by the treaty with Spain, and binding on France, I make no doubt those terms will be readily acquiesced in by Bonaparte, and it is not probable that our pusillanimous administration, so averse to war, standing armies and expense, would dare to ask for more;

if so could our government, if now inclined, recede from these terms? Have our rulers had the foresight to instruct Monroe not to be too precipitate in unfolding his terms, but to act according to appearances of peace or war between France and England? If they have neglected to instruct him so to act, in this as in most of their measures, they are extremely reprehensible. When Monroe left this country negotiations between England and France were going on, and it was known here that no good understanding subsisted between these powers. Surely our Cabinet have enjoined Monroe to avail himself of the event of the differences between those two nations not being amicably settled.”

“*Doughoregan, 10th July*: The acquisition of Louisiana is a fortunate event for the United States, if obtained without a clause or article which may involve us in a war with Great Britain. I do not like that part of Mr. Livingston’s memorial relating to the right of search claimed by the British. The right in the memorial is considered as an usurpation, which ought to be resisted by neutral powers when in condition to oppose to it an effectual opposition. Do you know the bounds of Louisiana as claimed by France previously to its surrender to the Spaniards in 1763? When does our treaty with Great Britain expire? If the French after the cession to the United States of Louisiana, should be permitted to trade to New Orleans on the same footing with Americans, paying no greater duties, would not the English in consequence of Jay’s Treaty be entitled to the same privilege?”

“*Doughoregan, November 10th.*: What think you of the Louisiana business? Will the Spaniards resist if we should endeavor to take forcible possession? If there should not be an understanding between France and

Spain in this transaction (but I suspect they act in concert) the opposition of Spain to our taking possession of the ceded country may draw Spain into a war with France; in that event England and Spain will become allies, and how are we in that case to possess ourselves of Louisiana? If force be used it probably will not succeed and should we succeed Spain will declare war against us; England cannot as the ally of Spain, assist us, and the superiority of the Spanish naval force will annihilate our commerce. I fear the acquisition of Louisiana from France by purchase will involve this country in serious difficulties.”

“*March 12th*: I cannot agree in opinion with General Hamilton that should Colonel Burr be elected Governor of New York, his election would cement the union [of] and increase the Democratic party. Where seeds of such deadly hate have been sown no true reconciliation can grow. The Jeffersonians and Burrrites are at open hostility; those parties can never again coalesce, their breach is too public and wide. If the election of Burr should destroy the influence of the Jeffersonian and Clintonian factions in the State of New York, it is probable that from Pennsylvania eastward, the Jeffersonian party will decline and be extinguished in the course of two or three years. I have hopes such an event would have a happy effect on this State; on the contrary should Judge Lewis be elected Governor, the Clintonian or Jeffersonian faction (I consider these two parties acting at present with the same views) will acquire strength and consolidation.”

“*April 19th*: By the *National Intelligencer* of the 15th instant, I perceive the votes between Gilman and Langdon so far as known were even, and that it was certain that Langdon would have a handsome majority when all the votes were collected, and that the Democrats, falsely

styled in that paper Republicans, would have a majority in both branches of the New Hampshire legislature. I hope this account will not be confirmed.”¹

In 1805 took place the famous impeachment trial of Samuel Chase. He was then nearly sixty-four, and is described by Sullivan as “a man of herculean frame and vigorous mind; a learned and honest man no doubt, but not of courteous manners on the bench.”² Like Luther Martin, Chase had been metamorphosed from an Antifederalist into a “bulldog of Federalism,” and as an associate judge of the Supreme Court he had made himself odious to the Democrats in the government prosecutions during the Adams administration under the famous Sedition law. His conduct of these cases subjected him to the charges of partisanship and unfairness, and there were other counts against him of a similar character. Charles Carroll of Carrollton, however, looking upon the trial with the bias of the Federalist, gave Chase his sympathy, and regarded the impeachment with the greater interest as his son-in-law was selected as one of the counsel for the defence. Several of the following letters to Robert Goodloe Harper refer to this subject.

“*Annapolis 12th January 1805*: I see the Senate have given Mr. Chase only to the 4th of next month to put in his answer; can he possibly be prepared to make his defence so soon, or can his counsel be prepared in that time to do justice to his cause. It is reported here that

¹ Family papers, Mrs. William C. Pennington.

² Sullivan's “Familiar Letters,” p. 200.

Colonel Burr is very intimate at the President's. Can this be true after the abuse he has met with from the President's partisans in the public prints?"

"February 24th: I thank you for the answer of Mr. Chase to the articles of impeachment which you sent by Mr. J.T. Chase with the Athenian Letters which are received. The answer of Judge Chase in my opinion is a very able, perspicuous, firm and temperate defence of his conduct, and a most satisfactory refutation of the sundry charges contained in the articles. I sincerely hope the same judgment will be formed by his judges. From your letters to Kitty of the 21st and 22d, which she received by Saturday's mail, we entertain great hopes that Mr. Chase will be honorably acquitted; this event should it take place, may affix a stigma on the party which originated the prosecution upon such slender grounds. But upon the decision of a party (two thirds of his judges being of it) I can place no dependence; instances of the most flagrant injustice in trials on impeachment occur in the history of England. Nothing can exceed the iniquity of the judges who condemned the Earl of Stafford, implicated in the ridiculous, contemptible plot fabricated by Titus Oates."

"February 28th: This day has determined whether a sense of justice has overcome the blindness and bitterness of party zeal in one third of the judges of Mr. Chase. It is reported here that, he will be acquitted by a majority. I cannot bring myself to be of this opinion, however desirous I am of its being realized. When I reflect on the baseness of the measures which have given the ascendancy to the ruling faction, their abuse of power obtained, and violations of the Constitution to perpetuate it, I despair of Mr. Chase's having even a third of the Senators in his favor. *P.S. March 3rd:* I rejoice at the

acquittal of Mr. Chase. I consider it a triumph over party spirit; but do not the votes against him on some of the charges justify in a great degree the severity of my censure and judgment passed in this letter, on the faction? The charges of which eighteen votes found him guilty, appear to me as little liable to censure, and to warrant his condemnation, as the one of which thirty-four acquitted him.”

“*Doughoregan, June 28th*: Great events may be expected from the large armaments in the West Indies. If the English Government be not too much distracted with party squabbles, it has now an opportunity by sending ten or twelve more ships of the line to join Bickerton’s [here the seal has torn the paper] block up the French and Spanish fleet in Martinique, when the crews will probably in the course of a few months, from the want of provisions and the diseases of the climate, lose two-thirds of their number; and in the same proportion and from the same causes their land forces will decrease in the same time.”

“*July 2d*: I am much pleased at the reversal of the absurd opinion or decision of the General Court in the case of the Roman Catholic clergy. The bishop [Bishop Carroll was then on a visit to the Manor] informs me you have also succeeded in the case of the mandamus. Do send by my son’s servant, Tom, the latest newspapers. Do you not think the British naval affairs are not conducted with the same spirit, energy, and promptitude which distinguished its operations in the last war?”

“*July 4th*: Before the British ministry can equip a fleet sufficiently strong to cope with the combined squadrons in the West Indies and detach a body of land forces to oppose those of the enemy, it is probable several of the English islands will be taken or ravaged;

except Barbadoes and Jamaica, none of the others I apprehend, can make much resistance; disunion and sickness of the crews and troops of France and Spain may perhaps save the islands.”

“Annapolis, 24th February, 1806: A report is in circulation here that our government is in treaty with Spain purchase of the Floridas for which seven millions of dollars are to be given, and all Louisiana on the west of the Mississippi to be ceded to that monarchy. I cannot credit this report, the bargain would be too disadvantageous to this country, and the Senate, I presume, will not sanction such a treaty, though the Executive should be willing to make the sacrifice to obtain peace. An exchange of that part of Louisiana lying on the west of Mississippi for the Floridas might be a desirable exchange if Spain were to pay us fifteen millions to effect it. I suppose West Louisiana is at least five times as large as the two Floridas, and in point of fertility of soil healthfulness of climate there can be no comparison between the two countries. Is not the disproportion between them in these respects richly worth fifteen millions of dollars? I would wish you to bring with you Madison’s pamphlet in support of the direct intercourse in time of war of our city merchants between the colonies of France and Spain and the mother countries. Does he admit the legality of our carrying from those colonies their produce to France and Spain, remaining the property of the colonists, or of the merchants of those countries? If he does not, what satisfactory evidence can be given that the produce of those colonies has become *bona fide* American property? Clearances from those ports certifying the cargoes to be purchased by and to belong to citizens of the United States, and oaths of the masters of the vessels and supercargoes

to the same effect will not be admitted, I presume, in British tribunals, as sufficient evidence of a *bona fide* transfer of the property shipped on board of such vessels.

“If the account in the *Courier* of the 19th December, of the battles of the 2nd, 3rd, 4th, and 5th, of that month should be true, and that the Archduke Charles had given Massena the slip and joined the Archduke John, and the Hungarian levy, and if the King of Prussia should act with vigor and decision against the French, the Emperor Napoleon may find it much more difficult to regain the frontiers of France than to have penetrated with little loss into the heart of the Austrian dominions. Time alone will clear up these uncertainties. Napoleon must have been confident of a final success in the war when he rejected the proffered mediation of Prussia for peace, but the bloody battles between him and Alexander had not then taken place; adversity may teach him moderation, and he may be induced by a reverse of fortune to accept of terms less favorable than those which were offered him by Prussia. The insurrections Napoleon is said to have endeavored to excite in Poland to enable the Poles to regain their independence must rouse the jealousy of Russia, Prussia, and Austria, and those monarchs will no doubt strive to restrain all future attempts of the kind by curtailing the power of the French Emperor.”

“*March 4th*: I have seen the account of the decisive victory gained on the 2nd December over the combined Austro-Russian army by Napoleon, and that the two Emperors have been compelled to make peace, or at least to submit to an armistice which must be followed by a peace which will leave to Bonaparte a great and preponderating influence on the Continent of Europe.

Will England have the spirit to continue the war? Will not the faction opposed to Mr. Pitt force the British government to make peace? A peace, should it be made under present circumstances, that will probably terminate the subversion of her constitution and power. I hope England will continue a naval war; we, in my poor judgement should make an alliance offensive and defensive with her, and raise an army of twenty-five thousand men, and under the British flag transport them to Mexico, and with the co-operation of an English army and navy render Mexico and Peru independent. This measure would cut off the resources of France in a great degree, open an extensive and lucrative trade to England and this country. Although our government has committed itself by the *Miranda* business, I suspect it will court the friendship of France by declaring war against England in order to do away [with] any unfavorable impression its knowledge of that expedition and its connivance at it may make on the mind of Napoleon. From the paper I have read, I have no doubt of the truth of the account from Bordeaux, at least in substance; matters may be exaggerated, but that Russia will be obliged to withdraw from the coalition, abandon Great Britain, and perhaps form another armed neutrality, there is every reason to fear. Austria must implicitly submit to the dictates of Napoleon. Nothing is said of Prussia. Has not the King of Prussia done enough to draw on himself the resentment of Napoleon? The papers of this evening will probably contain further details.

“P.S. I have read Thursday’s gazette. If Napoleon should offer moderate terms of peace to Great Britain I fear the opposition will force the ministry to accept them, and in ten years if the Emperor of the French should live so long, he may have a navy able to cope with that

of England. It is true Europe must feel its degraded state, and its sovereigns if possessed of energy and wisdom, and a sense of honor, will endeavor to emancipate themselves from the thralldom of France. If England continues the war opportunities may be presented of reducing the power of France, and these will assuredly be embraced by the powers of the continent. If the French present a true state of facts the Russians have acted with great stupidity.”

“*April 9th*: Do you believe the letter from Germany giving an account of the disgrace and punishment of several Austrian officers of high rank to be authentic? If true no wonder the Austrians were so shamefully defeated. Russia and England are the only powers now able to cope with Napoleon, and I fear if Fox’s politics prevail in the cabinet of London, that, England in a few years will share the same fate as Germany, Italy, Spain, Switzerland, and Holland.”¹

Charles Carroll of Carrollton sat for his portrait to Field, the artist, in the summer of 1803, and it is interesting to know from his letters to his son what he and his family thought of the likeness. He wrote to Charles Carroll, Jr., from the Manor, August 9th: “Mr. Field has begun this day my picture. It is thought the resemblance will be strong. I shall offer him \$40, which if I am not mistaken you told me was his price for such a portrait of the size of the one he drew for McDowell.” And again on the 29th, Charles Carroll writes: “Your sister Caton thinks, as you do, that Mr. Field has not given sufficient animation to my portrait. I think, however,

¹ Family papers, Mrs. William C. Pennington.

it is well executed, and all who have seen it say the resemblance is striking, but in my opinion it conveys the idea of a much larger man than I am.”¹ This portrait, engraved by Longacre, is found prefixed to the Carroll memoir in Sanderson’s “Biography of the Signers.”

Trouble had visited the “Homewood” family in 1805 and in 1806, in the latter year through the death of an infant, and words of wise Christian philosophy, and parental sympathy are written to Charles Carroll, Jr., by his father on these occasions:

“Doughoregan, 31st October, 1805: We should not set our hearts too much on anything in this world, since everything in it is so precarious, as health, riches, power and talents &c, of which disease, revolution and death can deprive us in a short time. Virtue alone is subject to no vicissitudes. In the hour of death, when the emptiness of all wordly attachments is felt, it alone will console us, and while we live soften the calamities of life, and teach us to bear them with resignation and fortitude.”

“August 12th, 1806: Immediately on the receipt of your letter I gave orders to Harry to take up some of the pavement of the Chapel to have the grave dug for the earthly remains of your poor little infant. To soften the loss of this dear and engaging child, the certainty of his now enjoying a glorious immortality will greatly contribute.”²

The homely things of home, its quiet pleasures, as well as its sacred sorrows, have their place in

¹ Family papers, Hon. John Lee Carroll.

² *Ibid.*

Charles Carroll's correspondence with his children, interspersed with his opinions on foreign wars and domestic politics. He writes to Mr. Harper in 1804, about a servant, James, that he thinks of buying from Mr. Ogle for "Kitty," but he is careful to tell the man's owner that he will neither hire him nor buy him unless he is willing to come. He is to be bought for a term of five or seven years, and "\$500 is a great price for a seven years' servant."

The modes of travelling in the early years of the century, attract our notice. The Catons propose to go from Annapolis to Baltimore in January, 1805, in a "sled," the weather and the roads permitting, and Mrs. Harper is to send her little boy with them, wrapped up in blankets, as "he will be less exposed to the cold in this way than if he went in the stage." In the following July, Mr. Harper, who took the stage in winter, is driven by "Luke and Bill" in his "coachee" from Baltimore to Washington. The Harpers have also their country home, "Oakland," which they occupy when not in Annapolis or Baltimore.

There are visitors to "Doughoregon," coming and going: "I send my servant with a led mare to bring Miss Nancy Robinson to the Manor," writes Charles Carroll to his son in July, 1806. "Mrs. Rogers," he writes in the following month, "who returns to town after breakfast, has been so polite as to take charge of the pears and grapes which I informed you in my letter I should send." The Catons and Mrs. Harper were at the famous Ballston Springs at this time, where "Kittie" had recovered

her health, her father says, "is in good spirits and danced a country dance." In July, 1807, Charles Carroll who had just been staying at "Brooklandwood," and was then visiting his son, wrote to "Kittie's" husband of the great ball that was to come off that evening, the 2d, at "Hampton," and he adds: "Mrs. Patterson, Betsy and Louisa are invited [these were Mrs. Caton's daughters] and will make a part of the three hundred persons who have received invitations."

In the following extracts from Charles Carroll's letters to his son, who was part of this time visiting in Philadelphia, the retired statesman is seen to make many shrewd guesses, and keen observations, as to the great game of war and politics going on in Europe. And it is amusing to read of his intolerance of "Democratic principles." The aristocratic spirit of the Southern planter allied itself with Federalism in Carroll's case as in Washington's—"Republicans" as they were.

"1806, September 3rd: Fox, I find has made peace with France; the conditions are not yet known, but I have no doubt of their being dishonorable, unsafe and highly disadvantageous to England. I had begun to entertain a more favorable opinion of this man, when the papers announced his determination to prosecute the war till an honorable and safe peace could be obtained. It is however, I find, impossible for a man tainted with democratic principles, to possess an elevated soul and dignified character; in all their actions and in all their schemes and thoughts, there is nothing but what is mean and selfish. God bless you."

“Doughoregan, 7th October: If Russia has concluded a separate peace with France without the knowledge of the British Cabinet the inference that the New Prussian ministry is favorable to the views of Napoleon may be fairly drawn, and I think it very probable that France and Russia will divide between them the Turkish dominions in Europe, and I think it also very probable that Napoleon on the death of the present King of Spain will fix one of his brothers on that throne, and annex immediately Portugal to the Spanish crown. In that case no doubt the royal family of Portugal will fix the seat of their government in the Brazils, and will be followed by most of the grandees and men of property. These measures will force Great Britain to continue the war, and to attempt to render the Spanish colonies on the continent independent of Spain, and to take possession for herself of all the French and Spanish West India Islands—the Philipine Islands will fall of course.

If our country is directed by wise and vigorous councils we should make a common cause with Great Britain in this attempt. It is our interest to, and in my opinion our existence as an independent nation depends on lessening the power of France, which nothing will do so effectually as by cutting her off from those commercial resources which she will draw from the Spanish colonies, if not rendered independent.

England must rule the Ocean, and to secure to herself its permanent dominion she must cut up root and branch the trade of France. During the war the superiority of her marine will effectively do this; but she must also deprive France of having an extensive commerce in peace. Excluding her from all intercourse with the East and West Indies for a limited time after peace is made, will tend greatly to circumscribe her

commerce; but how is this to be effected? by stipulating with the Spanish provinces of Mexico.”

“Annapolis, 20th October: The two French men-of-war, the *Patriot* and the *Eôle* are still here, and will probably remain the whole winter; without considerable repairs they cannot return to France, even in peace, and how they will be repaired without money or credit they are at a loss to tell. Perhaps their minister Turreau may apply to our government for money; in case of peace between England and France *a request even to borrow money may amount to a demand on our Executive.*

The État Major of the *Eôle* gave a very handsome entertainment on board the ship to a large company of citizens (ladies and gentlemen). I had an invitation, but did not accept it, having been busily engaged the whole of last week. I have not yet seen any of the officers, not having leisure to entertain them before my return from the Manor. I shall not probably return to Annapolis before the middle of next month. I then mean to visit the two captains of the *Patriot* and *l'Eôle* and have them and some of their officers to dine with me. God bless you and grant you happiness here and hereafter.”

“Annapolis, 21st November: The French officers belonging to the *Patriot* and the *Eôle* off this city have rendered themselves very agreeable to the citizens, and to do the sailors justice they are quiet, orderly, and civil. I waited yesterday on Krom, the captain of the *Patriot*, and on Picot de la Croix, the captain of the *Eolus*; the former was out of town, the latter I saw. I intend to have them dine with me on Thursday next, with some of their officers.

If the English ministry have wisdom and firmness, they have it in their power to render Spanish America

independent. During the war they must keep possession of the seaports of Mexico and Peru, and in the other provinces; probably it will be their interest to keep the province of la Plata as a colony, and stipulate for its cession by the treaty of peace, as also for the independence of all the Spanish colonies on the continent. They ought to raise an army in those colonies, and with a part of it in conjunction with their own troops, conquer the Island and retain it as a colony by the peace. If all this be done England will form a counterpoise to the power of Napoleon. As to a renewal of the war on the continent I have great doubts; but very little, should it take place, that the coalesced powers will be defeated by the French.”

“*December 13th*: The poor Prussians, I find, have been dreadfully mauled by Napoleon. I fear Prussia will be compelled to make an ignominious peace. The combined powers manage their affairs badly. However, the decided superiority of the British at sea will bear them out triumphantly, and the conquest of Spanish America (continent and islands) will enable them to continue the war during the life of Napoleon.”

“*Annapolis, 4th February, 1807*: I have requested Mr. Caton to write to some trusty person at Tioga to act as my agent for making the compromise with the Connecticut intruders on my lands pursuant to the terms adopted by the other Pennsylvania proprietors of land similarly circumstanced.

Prussia is completely vanquished. I wish Alexander may be firm, and have able and good generals and faithful ministers. The plan of Napoleon to restore the Kingdom of Poland, and to place on its throne his brother-in-law Murat, must unite Prussia and Austria in resisting with all their power this attempt. If they have

good generals, if Alexander will lead his armies to battle under experienced officers, and if the Archduke Charles has the command of the Austrian forces, and the sole direction of the war, the contest will be long and bloody between those two powers and France. The victory will ultimately, I hope, rest on the standards of Prussia and Austria, and the French be driven out of Poland and Germany. Should such be the final issue of the war, it would be for the interest of Europe to have all Germany consolidated into one Empire under the house of Austria.”¹

¹ Family papers, Hon. John Lee Carroll.

CHAPTER VIII.

THE SECOND WAR WITH ENGLAND.

1807–1819.

THE absorbing theme of public interest in the early part of 1807, was the conspiracy of Aaron Burr, and it forms the principal topic in the correspondence of Charles Carroll of Carrollton with his son at this time. In a letter written from “Brooklandwood,” November 11, 1806, he thinks the reports concerning Burr greatly exaggerated: “if true he must be in the pay of some foreign power.” And he adds: “If the war between England and France should continue, I should not be surprised if Burr should collect 1500 adventurers, seize on Pensacola, from which a few British ships might transport him and his band to join Miranda; in that event it is probable the British would garrison and hold Pensacola, and thus put an end to our intended purchase of the two Floridas, and deprive Bonaparte of seven millions of dollars, unless the bargain be made, which I fear it is, if the negotiations for peace are at an end.” Francisco Miranda was a Venezuelan patriot who had undertaken to

bring about a Revolution in Spanish South America, fitting out an expedition in the United States for this purpose in 1806.

“Annapolis, 4th January, 1807:

The proceedings of Burr seem to engross the attention, of the public; various schemes are imputed to him, resting at present entirely on conjecture. I am inclined to suspect that he contemplates a separation of the western country, and to possess himself of New Orleans, and if the government of the United States should act with vigor and collect a force adequate to the suppression of the revolt, or should a considerable portion of the western people be disinclined to a separation, that he will call in the assistance of some foreign power. Spanish forces are nearest at hand, and Spain will be backed by France, but neither Spain nor France can co-operate by sea during the war with Great Britain, and to me a naval force seems necessary to insure his success by inducing the whole of the population westward of the mountains to establish an independent government. Will Great Britain connive at this interference of Spain and France? That in my opinion will depend on the conduct of our government, which by causing the non-importation act to be suspended only, and not absolutely repealed, instead of conciliation holds out a menace. Great Britain is not to be menaced into a compliance with such even of our claims upon her as are reasonable and just. She may not be displeased with the aid afforded by Spain and France to the views of Burr, as such an interference of those powers may lead to an alliance offensive and defensive between the Atlantic United States and Great Britain, which in my judgment, it is the interest of both to form, to set bounds to the

ambition and power of Napoleon. Such is my view of this subject.

If the Spaniards have retaken Buenos Ayres, the reinforcements sent from England in October, will not I suspect be able to make a second conquest of the country. The Spanish captain de Liniers appears to combine judgment, courage and activity. He will raise considerable forces, especially of horse, and will have time to discipline them tolerably well by the arrival of the English reinforcements, who not expecting such an event will come unprepared to carry on such military operations for the conquest of the country which the nature and situation of it seem to require. A large body of horse will be necessary to protect the infantry in an open and flat country, they will want also many gun boats, and armed vessels drawing but little water to ascend the Plata. The campaign will probably be opened by the seige of Montevideo, which, if taken, will not give them possession of the country unless they can possess themselves of the capitol. How are they to ascend the river from Montevideo to Buenos Ayres without an armed flotilla to oppose the Spanish flotilla which carried the troops from Montevideo? Perhaps it will be necessary to transport from England the frames of gun-boats and of other vessels calculated to pass over shallows, and to put them together on their arrival at Montevideo. All this will require many months to complete, and when all the necessary apparatus of offensive war is ready 10,000 good troops will be necessary to insure success."

"*January 16th*: I have seen a New York paper of the 12th inst. which seems to confirm my conjectures respecting Col. Burr mentioned in my former letter. I am of opinion he acts in concert with the Spaniards, and that the expedition to Mexico is held out to entice adventurers to his standard with the hopes of plunder; to

invade Mexico New Orleans must be taken; the attack and capture of that city will render his adherents guilty of high treason against the United States; having incurred this guilt they must adhere to their leader or leaders, and to secure themselves against the penalty of the law, they must erect and establish a separate and independent government, in doing which I have no doubt Spaniards covertly or openly will assist them. The former manœuvres of Spain and the money lately furnished to Col. Burr justify this opinion.

“Burr conceives that Great Britain will not interfere with his schemes or lend its aid to counteract them unless a treaty of alliance offensive and defensive should be formed between that Power and these United States, which he is probably persuaded the prejudices of the ruling faction in this country will prohibit. In this opinion should he entertain it, he will probably be mistaken; the Democrats are a servile and timid crew, and to keep themselves in place they would make a treaty with the devil himself, and would break it as soon as their interests might seem to render its breach subservient to their other schemes—the principal difficulty will arise the part of Great Britain; that government will not trust ours, if it be as well known on the other side of the water as on this.”

“Annapolis, 23rd January: The day before yesterday two persons arrested in Charleston as accomplices in Col. Burr’s treason were brought to the city in the custody of two continental officers, and yesterday they went off from hence to Washington. The name of one of those persons is Swatout, and I think that of the other is Bollman. It is reported that Edward Livingston has been arrested at New Orleans, by General Wilkinson, and sent by water as a prisoner to Washington.

It is given out to be Burr’s plan to take possession of

New Orleans, and by holding it to compel the western people to come into his views, and to establish a separate State westward of the mountains. If such should be Burr's plan, it is probable he acts in concert with the Spaniards, and expects to be assisted by them; if they really abet his schemes, they must be authorized by orders from Madrid, or, in other words, from St. Cloud. Thus what I have long predicted is perhaps going to take place, and that Napoleon will in reality be the master of Louisiana; for a government independent of the United States cannot be maintained by Col. Burr in that country but under the auspices and protection of a great foreign and naval power. The United States might by fitting out a few frigates, sloops of war and gunboats effectually block up the river Mississippi, unless prevented by Spain and France. Perhaps the Spaniards may permit the produce of the western country to pass from that river into the Bay of Mobile and so on to Pensacola. This we cannot hinder without coming to an open rupture with Spain, which this government seems much averse to, as such a measure would lead to a war with France as the ally of Spain, and eventually force the United States into a treaty offensive and defensive with Great Britain. With great reluctance would such a treaty be entered into by our present Administration. Nothing but dire necessity will compel them to adopt such a measure, the whole faction from top to bottom detest the English and their constitution."¹

To his son-in-law, Robert Goodloe Harper, Charles Carroll wrote, July 4, 1807, on the subject of the conspiracy, in which, it seems, some persons wished

¹ Family papers, Hon. John Lee Carroll.

to implicate Harper: "Have you received any letters lately from Mr. Bollman? He has written, I am told, two in consequence of a threatened prosecution against you as an accomplice in Burr's conspiracy. Of the inclination of the Administration to prosecute you I have little doubt, but none of your innocence. You have too much sense and principle to have implicated yourself in any of Burr's plans, whatever they were. His situation as to fortune was desperate; distrusted by all parties and hated by his own, he may have meditated some desperate and wicked enterprise, but situated as you are, it would have been the extreme of folly in you to have participated in it."¹ Still closely observing the progress of events in Europe as well as in the United States, Charles Carroll writes to his two correspondents his thoughts fully and unreservedly, upon the passing pageant as the years go by.

"Doughoregan, 5th Sept., 1807: The armistice between Napoleon and Alexander will probably end in an humiliating peace of Russia, Prussia and Sweden; those powers will be forced to abandon England, exclude her ships from the Baltic, and perhaps to renew the armed neutrality.

"The British nation has resources to carry on a naval war against France and her allies for 20 years and the means to revolutionise all the Spanish Colonies; but the advanced age of the king, the profligate character of the heir apparent, the dissensions among the great, and the weight of taxes, the discontents of the people, and the precarious situation of Ireland, will, I fear induce the

¹ Family papers, Mrs. William C. Pennington.

present ministry, in order to maintain their places, to make a disgraceful peace, which, if Napoleon lives ten years longer, will put the independence of the British Islands in jeopardy. I am firmly persuaded he is bent on the conquest of Great Britain, not to be achieved however, without a navy capable of contending for the dominion of the seas. Peace and peace only, will enable him in the course of ten years to build a fleet and man it capable to cope with that of England. If this position be true, it must be manifestly the interest of England to continue the war.”

“*Doughoregan, 15th September*: Either Alexander must want understanding and firmness, or Russia has not the power and resources attributed to her by common opinion. It does not appear that Napoleon has stripped Russia of any territory, but the peace he has granted to Russia and Prussia has made him the arbiter of the continent of Europe. I suspect there are some secret articles in the treaty to be fulfilled in case Great Britain should not make peace; time will discover whether Napoleon will make peace with Great Britain on such terms as she can with honor and safety accept.

“I propose going to Carrollton the 25th of this month, and shall be glad to have your company. I have but two complaints, old age and the cholic.”

“*February 1st, 1808*: Nothing has transpired about the negotiations with Mr. Rose. I hope they will terminate favorably, but my fears are stronger than my hopes. I suspect the Administration is decidedly under French influence, and that faction being numerous and desperate, they will if they can plunge this country into a war with England.”

“*February 12th*: It is the true interest of this country to form an alliance, offensive and defensive, with Eng-

land; such an alliance would emancipate the Spanish Colonies on the Continent from the dominion of Bonaparte, subject all the West India islands to Great Britain, except Cuba, the sovereignty of which should be guaranteed to the United States by that power. You fear that England would make peace and leave us in the lurch. She cannot make peace during the life of Bonaparte; in this contest she must either perish or conquer; our alliance and powerful co-operation would insure her victory. If we do not join England and she should be subdued, can you suppose the ambitious Tyrant of France would not impose on us his iron yoke?"

"Annapolis, 19th February: An idea prevails here that the fate of Mr. Rose's negociation will be decided in two or three days and strong apprehensions are entertained about the result. From the following paragraph in Mr. Harper's letter, I draw the inference that Mr. Rose's negociation has terminated unfavorably to the views of those who wish to be on good terms and at peace with England. Mr. Harper in his preceding letters spoke of the general expectation that the negociation would be successful. I own my opinion was different, founded on the publications in the *National Intelligencer*, a paper supposed to be under the influence of the Executive and to utter his sentiments, and therefore if the negociation should disappoint the general expectation, it will not mine, tho' it will my wishes; for I am persuaded it is the true interest of this country not only to be at peace with England, but to make an alliance offensive and defensive with her; this opinion I believe to be confined to a few comparatively speaking, and as there is little prospect of such alliance being formed, England had better be at open war with the United States than suffer them under a disguised neutrality, to carry on the

trade of its enemies. I hope to hear from you by this day's mail, and am Dear Charles, Yr. aff. Father, etc." [To CHARLES CARROLL, Jr.¹]

"Annapolis, 11th April, 1808: Messrs. Livermore and Alexander Hanson did me the favor to call on me Friday evening; by them I was informed you had returned from Washington on Thursday. What impression has Champagny's letter made on Congress and the Administration? Will the embargo be taken off soon? Can any tolerable guess be formed who will be the next President? If Mr. Rose was not tied up by his instructions, he ought in my opinion, to have closed with Madison's last proposal of declaring what atonement the British government would offer for the attack on the *Chesapeake*, and making that document and the revocation of the proclamation bear contemporaneous dates, as Madison consented to separate the search of merchant vessels for British seamen from the reparation of the insult on our flag by the attack on the *Chesapeake*. Surely the British ministry, if really desirous of being on good terms with this country, were over-punctilious in persisting on the previous revocation of the proclamation, before their envoy should disclose the nature and extent of the atonement to be offered for the outrage committed on our frigate. That ministry insisted that the right of search of private vessels should not be blended with the question of reparation for that outrage; this point was yielded by our government. Why then did not Rose with candor declare what reparation he was authorized by his government to make? His conduct, or that of his government, savors too much, in the whole of his negotiation, of the tricks and shifts of a pettifogging attorney. Are we to have war? And with whom, France or England? Or

¹ Family papers, Hon. John Lee Carroll.

are we to remain in *statu quo*, suffering almost all the privations of a state of war, with a degradation of character which war waged against our real enemy France, with spirit and conduct would in some measure wipe off?"

"Annapolis 10th April, 1809: I have seen the English account of the battle on the high grounds of Corunna given by General Hope to General Baird, which may be considered as official and to be depended on; the English claim the victory."

"May 14th: To me it seems evident that Bonaparte is determined to quarrel with Austria, and to strip that power of the greater part of its dominions, perhaps to place another dynasty on the throne of that ancient house. If Austria delays to strike the first blow, waiting for the decision of Alexander, and permits her deadly enemy to assemble his forces and to bear upon her from all sides with all his resources and power, not all the abilities of the Archduke Charles, the valor and patriotism of the subjects of Austria can save her from destruction.

I perceive Messrs. Livermore and Hanson mean to discontinue their paper after the 4th of July, from want of encouragement. This determination, and particularly the cause of it, is much to be regretted; their paper inculcated by several masterly productions, correct principles of government, and has contributed to the decrease of Democracy. By the late intelligence from Lisbon of the 27th March, it appears that the Portuguese mean to defend their country. If a large proportion of the French enemy has returned to France to attack Austria, and the unsubdued part of Spain should collect and have time to discipline an army of 100,000, and the Portuguese another of the same strength, it is to be hoped their joint efforts may be crowned with success, particularly if the

war with Austria should employ Bonaparte two or three years. The inactivity of the French armies in Spain must be owing either to the diminution of their numbers by large detachments being sent to Germany, or to the want of subsistence in Spain and Portugal, and to the vast expense and delays of obtaining it from France.”

[TO ROBERT GOODLOE HARPER.¹]

“*Doughoregan, 28th July, 1809*: It is to be hoped the Archduke Charles will turn to good account, and make the most of the victories obtained over Napoleon on the 21st and 22nd May; from his past conduct it is to be expected that the saying or reproach made to Hannibal by one of his officers after the victory of Cann *vincere quidem suis, uti victoriæ nescis*, will not be applicable to the Archduke.”

“*Annapolis, 19th March, 1810*: If Napoleon should repeal his Berlin and Milan decrees, as intimated by a letter of the 1st of January from Paris, detailing a conversation which passed between his ministers and a deputation of merchants, the orders of Council will fall of course, and our trade such as neutrals ought to carry on, will suffer no interruption from the belligerents. If Napoleon acknowledges the right of search to be authorized by the law of nations, as has been suggested at the conversation above mentioned, our differences with England must be amicably settled, for that right coupled with that also claimed by the British Government of taking their own subjects out of our merchant vessels will no longer form a pretext of quarrel with the British to keep alive the animosity of party in this country against that nation, the only means left to the ruling faction, of perpetuating their own power.

¹ Family papers, Mrs. William C. Pennington.

I suspect the meeting of the merchants at Paris with the ministers, and the alleged conversation above referred to, is destitute of truth and a mere stock jobbing fabrication formed in London. The late confiscation of American property in the ports of Spain in the hands of the French, and the imprisonment of their crews, declared prisoners of war, discredit in a great measure the declarations of the French ministers to the merchants; the two accounts cannot be reconciled on any other ground than the determination of Bonaparte to consider the Americans trading to Spain as violating the rights of belligerents by their commerce, interdicted by the law of nations, with revolted subjects. A little time will discover whether this construction upon the news from Spain is well founded.”

[TO CHARLES CARROLL, JR.¹]

In a letter from Charles Carroll of Carrollton to his son-in-law, Mr. Harper, of February 17th, he has news to tell of the Austrian army, “information I had from Colonel Mercer’s son John, which was confirmed by Mr. Caton.” And then the staunch Federalist continues; “How does the Executive relish the report of the joint committee of the Massachusetts Legislature? In my opinion it is a masterly performance, and I hope will, with other publications, open the eyes of this nation that they may see the deformity of conduct of this Frenchified administration, plotting the subversion of our independence to perpetuate their power and misrule under the power of France.”

Captain and Mrs. Decatur visited Charles Carroll

¹ Family papers, Hon. John Lee Carroll.

at Annapolis in April, "landed here yesterday," as he writes to Mr. Harper on the 13th. They expected to go from Annapolis to Baltimore, their host proposing to send them in his "Jersey wagon." And he adds: "Captain Decatur will go to Washington from Baltimore, and will remain some days in the former city. I hope you will invite them to take up their quarters with you. Mrs. Decatur intends going to Brooklandwood if Mr. Caton's family are there." Charles Carroll was much interested in the renewal of the charter of the United States Bank, and wrote to his son-in-law for information about it from the "influential" members of Congress. In this letter, dated February 6, 1811, there is mention of the communications from Europe contained in the President's message of January 31st, and the report that later dispatches had been received. And Charles Carroll adds:

"If such have been received and their contents have transpired, I should be glad to know if they hold out any well grounded assurance that the Berlin and Milan decrees are in reality repealed, as to the United States, and whether the two great products of our soil, cotton and tobacco, are suffered to be imported into France and the north of Germany, paying such duties only as will leave a profit on the sales to the importers.

I suspect there is a secret understanding between our government and that of France; the President's Proclamation cannot be reconciled to common sense on any other supposition or principle. If I am not mistaken, Bonaparte contends that no port ought to be considered as blockaded which is not invested by land as well as by

sea; does our Executive admit and contend for this novel doctrine? If the Orders of Council should be revoked, it is probable that the British besides keeping strong squadrons before the Scheldt, Brest, L'Orient, Rochefort and Toulon, will station one or more frigates and sloops of war at the entrance of the Texel and the principal mercantile ports of France, to intercept all trade with France and the countries enforcing her decrees against British trade and manufactures. This Great Britain has a right to do by the law of nations, and if exerted our commerce with France and the continent of Europe under the control of Bonaparte will be too hazardous to be pursued with advantage."

On the 10th of March, Charles Carroll writes: "I hear wheat and flour have risen considerably in consequence of a supposed contract made by the French Government for the supply of their armies in Spain and Portugal. If the English government should be timely apprised of this measure it is probable it will station ships to capture our vessels thus loaded to supply their enemies, and considering the manifest partiality of our administration for France; we shall no just cause to complain."¹

The Caton sisters sailed for Europe in April, 1811. Charles Carroll went to the Manor about the end of May, where Mr. Harper was to join him with "little Dick and Elizabeth." Charles and Mary Harper were at school. "In the meantime," writes their grandfather, "they may visit the Manor every Saturday and return to town the Mondays following." During the summer of 1811 and the early months of

¹ Family papers, Mrs. William C. Pennington.

1812, the correspondence with Charles Carroll, Jr., and Mr. Harper was carried on with unflagging interest.

“*Doughoregan, 4th June, 1811*: I wish the rencounter between the *Little Belt* and the *President* may not be attended with serious consequences. As the Administration of this country wish to involve it in a war with Great Britain I do not believe they will make any apology for Rogers’ conduct, which I believe will be expected by the British ministry and nation. My opinion is founded on the principle that the public ships of a neutral nation have no right to chase a public ship of war of a belligerent. Rogers admits that he knew the ship which he chased to be a ship of war, and he must have known that it was not one of ours. It must then have been either a British or a French vessel of war: with both of which nations we are at peace. Captain Bingham, I really believe, took the *President* for a French frigate, and fired with the view of crippling her sails and rigging to effect his escape, for he must have been convinced from the great superiority of his enemy that he had no other means of escaping. Again, what right had Rogers to hail the *Little Belt*? In doing so, and in chasing her I consider him as the aggressor, and on his head, and that of the Executive, under whose orders he acted the blood spilt must fall. I wish the British government may not reason in this case as I have done.”

[TO CHARLES CARROLL, JR.¹]

“*Doughoregan, 8th June*: “Kitty, little Dick and Betsy were at Perry Hall on Wednesday.... In a letter from Cadiz of the 23rd April it is mentioned that

¹ Family papers, Hon. John Lee Carroll.

Lord Wellington was following Massena into Andalusia, and that he was at *Zapa*. I cannot find any place of that name in my map of Spain; I find the town of *Zafra* in Andalusia. If the latest intelligence from Cadiz and Lisbon can be relied on, we may expect to hear of a battle fought in Andalusia about the last of April or beginning of May. I conjecture Massena has formed a junction with the French forces in Andalusia commanded by Victor, and that Wellington, Beresford, Ballastros and Blake with a great part of the garrison of Cadiz have also united. A dispatch vessel, it is said, had arrived at the Havanna in twenty-four days from Cadiz, that is on the 17th May; she must therefore have left Cadiz on the 27th April, on which day an express may have reached Cadiz with an account of the victory over the combined French armies.

Had Commodore Rogers a right to chase the *Little Belt*, and had he a right to hail her? It appears to me that he had no right to do either. I should be glad to know your opinion on these points. I believe Bingham supposing the *President* to be a French frigate had a right without answering the hail, to fire on her. I am anxious to learn how Admiral Sawyer will act on the occasion."

"*June 28th*: I presume Lord Wellington returned to his army to watch the motions of Massena, whose army may not be so much crippled as represented. He has probably sent strong detachments to Beresford who will not, I suspect, to judge from Lord Wellington's dispatches of the 25th April, attempt anything against Soult and Victor till Badajos is taken.

"I have read Smith's 'Address to the people of the United States' He has painted Madison in his true colors. But had Smith resigned his office before he was turned out of it, '*and had not waited for an occasion of do-*

ing so without endangering conflicting agitations among their respective friends,' his motives for defending his own conduct and exposing Madison's would not then have been imputed to disappointment and resentment. I hope the partisans of Madison, or he himself under a borrowed name will attack Smith's Address and gore him for his *patriotism*; if the attack should reflect on his want of talents, duplicity, or any other vices his political adversaries may liberally heap upon him, this may draw forth a replication which may unfold more of the machinations of the Washington Cabinet, if Smith has been entrusted with *all* their secrets, which I doubt. But I have no doubt that Cabinet is determined on a war with England and an alliance with France."

"*July 3rd*: I congratulate you on the good news from Portugal and Spain. I have looked most anxiously over the marine list for the arrival of the brig *Robert*; she ought to have reached Lisbon by the 20th. May."

"*July 4th*: If the victories obtained by Wellington and Beresford over the French have terminated according to the accounts given in the newspapers, the French must evacuate the Peninsula, unless promptly reinforced.

"What do the Democrats of Annapolis say of Smith's Address? If the state paper published in the *Boston Patriot*, has been communicated by John Q. Adams to his father, we cannot doubt its authenticity and it must make a most serious impression on all those of the Democratic party who are not determined to go all lengths in support of the measures adopted, and to be adopted by our Executive. Is the *Boston Centinel* a Democratic paper? In it a paper has been published entitled 'Additional Instructions for the French Minister Serrurier,' which are evidently fabricated in this country. The Federal prints ought not to publish falsehood.

There are true and damning proofs enough against this Administration; fictions weaken the force of realities.”

“*Annapolis, 21st January, 1812*: The Administration of this country has got into a miserable hobble, from which nothing can extricate it but England’s declaring war against us. Notwithstanding the manifold provocations given by our government, and its manifest partiality for France, the English Cabinet is too wise to help our rulers out of the scrape by declaring war against the United States. Is it supposed the Legislature of Pennsylvania will reincorporate the late Bank of the United States?”

“*May 19th*: Early in next month 70 pr. ct. on my shares in the late Bank of the United States will be subject to my order; that money and all other sums I can spare from my own expenses and engagements, I mean to subscribe to a new Bank of the United States should an establishment take place.”

[To ROBERT GOODLOE HARPER.¹]

“*Annapolis, 28th May*: I am informed the contest will be warm between Mr. Hanson and Mr. William Carroll, and that it is doubtful which will be the successful candidate; my fear is that in consequence of a division among the Federals a Democratic Representative may be chosen. Certainly Mr. Hanson has more knowledge of the affairs of the U.S., and is better acquainted with the proceedings of Congress, our foreign relations, and all the documents relating to them, and the manœuvres of our Administration, than Mr. Carroll; he also is accustomed to public speaking, and from this acquired habit can declare with force his sentiments on the floor of Congress, an advantage which I believe Mr. Carroll does not possess, at least in so great a degree as Mr.

¹ Family papers, Mrs. William C. Pennington.

Hanson. For these reasons I wish Mr. Carroll would decline the contest. It is too delicate a subject for me to speak or write to him about; should he give me an opportunity of declaring my opinion, I shall embrace it. A petition intended to be signed by the freeholders and inhabitants of this county to Congress against war has been drawn up by Col. Mercer, which I have read and approve; it is temperate, the style good, and the reasoning clear and forcible. I believe it is now in the press and I am told if industriously circulated, will be signed by a large majority of the people of this county, Federals and Democrats.

The dread of war, a militia draft and heavy taxes, and a total stagnation of trade, are beginning, I expect, to effect a salutary change in the sentiments of the American people, which will no doubt be strengthened by the pointed contempt the Emperor discovers for us. John Mercer told me that Mr. Monroe assured him that Barlow was not authorized to make any treaty with France, but only to insist on reimbursement of the value of American vessels seized and sold under the Ramboulet Decree. Indeed, I do not see what treaty Barlow could be authorized to make, except an alliance offensive and defensive with France in case of our going to war with Great Britain, which probably he was instructed to assure the Emperor this government would declare, if the property above mentioned, or rather its value should not be restored, or security given for its restoration. But what security could be given by Perfidy personified?"

[To CHARLES CARROLL, JR.¹]

There was now no question indeed whether the United States would go to war, and with whom.

¹ Family papers, Hon. John Lee Carroll.

Hostilities were declared on the 19th of June, 1812. The objections of Charles Carroll of Carrollton to the war with England seemed to him to have their justification in the part Great Britain was playing as the champion of oppressed nationalities against the tyrant of Europe, the French Emperor, "Perfidy personified." Charles Carroll had too long looked with all the prejudices of an Englishman upon Napoleon and his wars, to be willing to see his country fight Napoleon's great enemy. And was there not danger, he argued, for the independence of the United States, in this grasping French imperialism which had replaced the pseudo-republicanism of the Directory and the Consulate? He had apparently outlived the feeling against England that would have been natural in the patriot of '76, and he was ready to deal leniently with her sins against America in 1812, because of the position she held in Europe as the one barrier across the pathway of the destroyer—Bonaparte.

But Carroll's countrymen generally were not of his opinion. In Baltimore the war sentiment was very strong, and an attack was made upon the office of the *Federal Republican*, Alexander Hanson's paper, which resulted in a most deplorable riot. Charles Carroll thus alludes to it in a letter to his son of August 5th, written from "Doughoregan":

"The late occurrences in Baltimore, and the temper of this government render a residence insecure in this State, and I may want all the sums I can command to enable me to move out of it, if the state of politics does not soon grow better, and men be suffered to speak their

sentiments on the measures of the present rulers of our country and to take what newspapers they please.”¹

The war began with some unsuccessful attempts at the invasion of Canada and disasters in the northwest, but was followed by four naval victories, the last of which took place off the coast of Brazil the day before the following letter was written:

“*Annapolis, 30th December, 1812*: There is a report that Mr. Pinkney is to succeed Mr. Monroe as Secretary of State, and that Mr. Monroe is to be commander-in-chief of the army; but without better troops he will not be more successful than his predecessors in the invasion of Canada. Many are of opinion that Madison will continue the war against Great Britain. I am inclined to this opinion also, knowing his hostility to that country and suspecting his connection with Bonaparte. If Bonaparte should prevail against Russia, the war will go on for another year, till the next House of Representatives will force the Administration to make peace. In that House the Administration party will either be in the minority, or have so small a majority, and their war measures will be so opposed, that this government must accept the terms which the British ministry may offer, and of their being honorable and advantageous to both countries I have no doubt.”²

To his son-in-law Richard Caton, who managed much of his business for him, Charles Carroll of Carrollton wrote from Annapolis, February 13, 1813, giving him instructions as to his investments, and other matters. He fears that his “rent-wheats

¹ *Ibid.*

² *Ibid.*

will not produce 1500 barrels of flour,” and he authorizes Mr. Caton to take \$10 a barrel for it which, he adds, “I much doubt your obtaining, as long as our Bay continues strictly blockaded.” The Baltimore Company is referred to, in connection with Charles Carroll’s will, which he intends to execute the next day. “What is the price of fustians,” he asks, “fit for summer liveries for my servants? Coe is quite out of employment and wishes to make the liveries at present.” And Charles Carroll concludes his letter with discussion of the latest foreign news:

“The report of Bonaparte’s arrival at Paris at midnight on the 18th December, appears to me questionable. Supposing him not to be dead or taken by the Russians, and that he arrived in safety at Wilna on the 9th or 10th December, he could not leave that place or Warsaw before the end of that month, as providing winter quarters for the shattered remains of his army, collecting provisions and reinforcements would require his presence in Poland for at least twenty days. If the report of his arrival at Paris be false, it strengthens the probability of his capture or death—neither event was known in the Russian army at the date of Kutusoff’s last dispatches of the 17th November.”¹

Charles Carroll’s correspondence for the following months carries his readers back and forth between Europe and America, his interests vibrating between the two continents. In February, he is telling of gaieties in Annapolis, where the Misses Pinkney “fine girls and well educated” are visiting

¹ MS: Letter, Miss M. A. Cohen, Baltimore.

Louisa Caton at her grandfather's house, and where, though it be war times, a ball is to be given in compliment to these young ladies by their hostess: "Several beaux and some young ladies are invited to it from Baltimore." He is writing to Robert Goodloe Harper in Washington, and adds:

"Shall we have peace with England? Will not the sad disasters of Napoleon accelerate that event? The fate of that man is not yet certainly known; perhaps the French minister may have certain information about him, and Barlow may have communicated what he knows. I cannot bring myself to believe that he is dead or captured by the Russians; neither of those events could be concealed for more than a few days. If living and returned to Paris, his entry into that capital forms a mournful contrast to his former triumphant entries, and the shades of night were well suited to the gloominess of his mind and desperate situation."

And so the letter continues, with speculations on the probable course of Russia, Prussia, and Austria, and the final queries: "Has anything transpired from the cabinet? Have any secret messages been sent to Congress by the Executive?" Four letters written in March to the same correspondent all contain some mention of Napoleon and evidence the close connection his fate was supposed to have on the issue and termination of the war in the United States. A new coalition was forming against Bonaparte in Europe. Charles Carroll writes as the news just received, March 1st by a vessel arrived in the Delaware: "The papers from Philadelphia and New

York will no doubt reach Washington by this day's mail, and give the details of these important events. God send they may be true." Three days later he says: "As Bonaparte's power seems to be on the decline, and Austria and Prussia with the aid of Russia will throw off his yoke, and by a powerful combination of forces drive the French out of Germany and Italy, circumscribe France to her limits under the last of the Bourbons, and restore the ancient order of things in Europe, I flatter myself our war against Great Britain will soon be brought to a close." And further on there is this frank admission: "Many persons continue of the opinion that Bonaparte is dead, from their strong wishes, I suppose, of his death. Although no one desires his death more than I do, I cannot suffer my wishes to betray my judgment." Carroll receives in a letter from Baltimore, the substance of a handbill circulated in New York, and congratulates his son-in-law, "and every friend of humanity, on the extermination of the tyrant's army," as the result of the Russian invasion.

Of the home Administration and its policies, Charles Carroll continues to express the poorest opinion: "Is the war to go on? Can it be prosecuted without the means, and against the general bent of the nation? In consequence of the President's recommendation, an entire stop, I suppose, will be put to exports from this country. Will the people long submit to such privations? Their folly or corruption in the re-election of Mr. Madison must now be manifest." And again he writes:

“Will the people of this country submit to the measures to which you apprehend this wicked Administration will resort, to carry on the war? I have long been of the opinion that the present men in power would not make peace with England as long as they retained their offices. It is said some of Napoleon’s papers of a secret and important nature were taken with his baggage by the Russians. I hope the confidential despatches from our Administration may be among them; if found, no doubt they will be communicated to the British ministry and published. It is reported that the British are sending to this country nineteen ships of the line and several stout frigates and some bomb vessels. They must expect a French fleet on this coast, for so large a force does not appear necessary to blockade strictly our ports. I suspect they will take possession of Rhode Island and fortify Newport, from thence they would get fresh provisions, vegetables and water for their blockading squadrons.”¹

In letters of March, April, and May, Charles Carroll of Carrollton wrote to his son of the war rumors floating about Annapolis and of preparations he was making to secure his personal property, should the enemy appear.

“*Annapolis, 12th March, 1813*: I have had to dine with me Mr. Moore the British agent and Captain Ben of the *Francis Freeling*, the British packet now lying in this harbour. I am much pleased with Mr. Moore. This port is appointed for the reception of flags of truce, and Mr. Moore is to have the management of them, to receive despatches and forward them to and from our government. Mr. Caton seems apprehensive that the British will bombard our town, and even poor Annapolis may not

¹ Family papers, Mrs. William C. Pennington.

Escape; the insignificance of the place, and its being the station for flags of truce, will exempt it from that calamity. Indeed I do not believe the enemy will bombard any of our towns; they will probably enter the port of New York, destroy the forts and our frigates there, and at Boston and Norfolk. I should not be surprised at their landing near Washington on the Potomac from 1500 to 2000 light troops and making a rapid march to Washington and destroy the Dock Yard there. The government does not appear to apprehend such a *coup de main*, and I suspect is not prepared to defeat it. I believe the British will take Rhode Island and fortify Newport, the port which a French fleet would certainly steer for, and which I am confident the British expect, or they would not send to this country 19 sail of the line.

“27th April: Mrs. Tayloe writes from Washington to her mother dissuading her from leaving Annapolis, as in the opinion of persons well informed, Annapolis is the safest place of residence in this State. It is made one of the ports the United States for the reception of cartels and the exchange of prisoners.”

“8th May: I have sent my valuable papers, books of account and plate to the Manor, and baggage of different kinds will be sent tomorrow. When I go to the Manor, the exact time I cannot now fix on, your sister Caton and her daughters Betsy and Emily will accompany me. I shall remove my pipes of wine to my farm near this city, and some household furniture, for I seriously apprehend the enemy will destroy this town. It is reported a strong force is going up the Potomac and that they are greatly alarmed at Washington. There are so many reports in circulation it is difficult to determine what to believe.”¹

¹ Family papers, Hon. John Lee Carroll.

But this time the alarm proved groundless, and Charles Carroll going from Annapolis to “Doughoregon,” lingered at the Manor until the second week in December. From the latter place he writes, October 31st, to Charles Carroll, Jr., rejoicing over Napoleon’s disasters: “Your servant Sam delivered your letter while we were at dinner; the foreign intelligence it imparted was more acceptable than the most luxurious desert could have been.” And on the 4th of November he refers to the details that had appeared in the Baltimore *Federal Gazette*: “It appears to me that Napoleon is in a very critical situation. God send that the disturber of the world may meet with his deserved fate and punishment.” Of Madison’s “wicked Administration,” and its threats, the Maryland Federalist writes as follows:

“*Doughoregan, 5th December*: If the government of this country should put to death the British officers, soldiers or any of them confined to retaliate the execution of British subjects taken in arms fighting against their native country, I have no doubt the British fleet will destroy in the course of next summer, any town and habitation on the coast of this Bay and sea accessible to their ships. That the British government will cause to be hanged some of the prisoners sent to England to be tried as British subjects, proved to be so, I am fully persuaded; in doing so that government will be justified by the law of nations. But the execution of British prisoners of war by way of restitution cannot be justified by that law, and though our present wicked Administration from their deadly hatred to England would willingly ex-

ecute their menace, their fears will restrain them, and the American nation will not suffer the atrocious deed to take place. From the Regent's declaration, lately made known to the American government, it is obvious the British Admiral was instructed not to lay waste our coasts or destroy our towns, but to confine his operations to the intercepting our commerce. I presume the same line of conduct will be pursued by the British if our rulers dare not retaliate on British prisoners of war the just punishment that may be inflicted on British traitors.

In this view of the subject, which I think correct, there is no *immediate* necessity to remove my library from my house in Annapolis, or my wine from my farm near it."¹

On this same subject of British prisoners, and naturalized citizens and their rights, or "wrongs," Charles Carroll has more to say in a letter written two days later to Robert Goodloe Harper:

"Dr. Thomas has brought me the President's message. It breathes a hostile spirit against England and menaces retaliation if the British government should direct the prisoners sent to England for trial—if found to be British subjects—to be executed. Although the standing law of Great Britain naturalizes all aliens, and such naturalized subjects are employed in her fleets and armies, have not the original sovereigns of such naturalized aliens a right to reclaim them, and if at war with Great Britain, and they should be taken prisoners, a right to punish them with death? Does our Constitution or laws admit of its citizens changing their allegiance and becoming subjects of another State? If they do not, should an American citizen be taken fighting against this country, could he not be tried as a traitor?"

¹ *Ibid.*

If this country, or those whose subjects are naturalized by Great Britain, admit the doctrine that allegiance is not indefeasible and may be changed, the case put by the President to justify retaliation does not apply as to Great Britain and will not justify it. The President asserts that many of the individuals, prisoners of war and sent to England for trial, emigrated from the British dominions long prior to the war between the two countries; the President ought to have good proof for this assertion. Although the British government may have the right to punish as traitors British subjects taken in arms against their native country, even being naturalized citizens of this, the policy of the measure appears to me very questionable.”

Writing again, December 16th, Charles Carroll tells of his satisfaction at the election of Governor Winder and a “Federal Council.” He speaks of the general opinion that an embargo will be laid by Congress; “perhaps this measure adding still more to the distresses of the people, may at last work a change in the political sentiments of the Democratic party and induce them to get rid of their present rulers.” Charles Carroll of Carrollton was at this time in Baltimore, and Mr. Harper was in Annapolis attending the session of the Court of Appeals he and his family occupying the Carroll house.

Complaints had been made against the overseer at Charles Carroll’s farm near Annapolis and several of the latter’s letters during this winter, which he spends in Baltimore, discuss this matter. He expects a detailed account of the complaints, from his son-in-law, when he will be “better able to form

proper judgment and apply some remedy.” And he adds “Sears may have faults, and the negroes may complain without much reason, nay they may be instigated by a certain person to complain who bears an ill-will against Sears.” Mr. Harper is to examine how Sears conducts his business, and he will be able to discover from the looks of the negroes “if they are well-treated and fed.” The letter continues: “I really believe Sears is honest and sober, two very essential qualities in overseers. He is industrious, though he has not so much judgment in farming as I could wish; *non ego paucis offendor macules; ille optimus est, qui minimis urgetur*—this sentiment of Horace may be applied to overseers as well as poets.” A little later Charles Carroll writes again of Sears, telling Mr. Harper to be on his guard as to the accusations against him, as “several are seeking his place who are not trustworthy.” He wants the case minutely investigated, however, in case any of the charges are true. But he does not wish to trust his wines and other valuable property to a new overseer, as it would be difficult, at this season, to find a good one.

He finally decides from his son-in-law’s report that “things are not as they should be.” But he not want the negroes to be confronted with Sears, “such an examination will be productive only of ill-treatment of my negroes.” The man had not managed the place as well as he should have done: “If I should live to see peace,” is Charles Carroll’s conclusion, “and then reside with security at Annapolis, I will endeavor to correct abuses the abuses of Sears and make him a better

manager." Should he not succeed he will look out for an overseer who understands farming, and the management of stock, in which he thinks Sears deficient. Of the prospects for peace, Charles Carroll writes in this letter of January 16, 1814: "Till Bonaparte is defeated so as to be forced to relinquish all his conquests and to make peace, or what would be more desirable, till death rids the world of the tyrant, I am persuaded no peace will take place between this country and England."

The following letter to Robert Goodloe Harper, then in Washington, treats of the same all absorbing theme:

"Baltimore, 26th February, 1814: I have read with much pleasure your speech at Annapolis; you have perspicuously traced the causes of our war with Great Britain to their real origin and have exposed the disgraceful intrigues and falsehoods of the Administration by which they have gradually led Congress to declare it. If the war party could divest themselves of their hatred to England and consider dispassionately the contents of your address, I should hope the perusal of it would be followed by happy consequences. But men blinded by party spirit are not to be cured by reason but by sufferings, and the great mass of the people have not yet suffered enough to make them sick of the war. The avarice of money lenders will fill the loan, and the large bounties the army, with which when raised, the Administration may be tempted to carry on the war by forced loans and conscriptions. The Constitution will present no obstacle to an Administration which has already violated it in so many instances. Will a sense of honor, and the sanctity of oaths restrain men from such a wicked

attempt, who have long sacrificed every honest principle to the love of power?

Our friend Oliver confidently expects peace between this country and England. I am not so confident; indeed I am inclined to believe the war will be continued, if continued between the Allies and Bonaparte. The haughty spirit of that man, I suspect, is not yet sufficiently humbled to submit to a peace dictated by his enemies, even though that peace should leave to France a large accession of territory and restore to him his sailors and 300,000 veteran troops. If the offer of peace and its terms should be rejected by Bonaparte, he must act on the defensive, and endeavor to tire out the Allies, gain time, generally favorable to the party acting on the defensive, and wait for events, which may disunite his enemies. Is the genius of Bonaparte and the French nation suited to a defensive war? If the war goes on, the Allies will probably limit their operations to expelling the French from all their remaining conquests and confining them to the limits of the monarchy as held by the last of the Bourbons. A little time will confirm the truth of these speculations, or expose their emptiness. I have hazarded them as the only topic I have to write about, and rather than not to write at all, I have, perhaps, exposed myself to the imputation of being a short-sighted politician.”¹

In the spring of 1814, preparations were made by the British fleet under Admiral Cockburn, for the attack on Washington and Baltimore. The British land forces under General Ross routed the Americans at Bladensburg, August 24th, and occupied the Federal City, which was then but a very small town. Its public buildings were burned by the ruthless

¹ Family papers, Mrs. William C. Pennington.

enemy, though its archives had been removed to a place of safety, and a number of private houses were also destroyed. The brilliant defense of Baltimore followed in September, Ross being killed at the battle of North Point on the 12th, and the British fleet forced to turn back. Charles Carroll of Carrollton, wrote to Mr. Harper, who was then in Baltimore, from "Doughoregan," August 25th:

"No doubt you have seen Mr. Smith, but I much question whether in the present critical situation of this State he has been able to dispose of my bank shares. I have heard nothing more of the enemy since your letter to Kitty. Drummond, I conjecture, attacked our army in Fort Erie with the expectation in case of success, of getting possession of our magazines at Buffalo, for while we have the command of Lake Ontario the English army beseiging Erie must be in want of provisions, and this want I imagine forced Drummond to hazard the storming the position of Gaines' army."

To his son, Charles Carroll wrote the same day: "The enemy are in possession of Washington; it is reported they have destroyed the public buildings and Navy Yard, I hope the latter only. It is thought they will next attack Baltimore. The fire at Washington was plainly seen by several of my people about ten o'clock last night." And he writes also on the 26th:

"It is said the enemy are on their march from Washington to Baltimore, through the country, which they will probably reach in a day or two. It is probable that a deputation from the city will meet them before they enter the town, and capitulate on the best terms they

can; resistance will be fruitless, and if made, will only cost the lives of some valuable citizens. It is probable the shipping will be destroyed—time, perhaps a few days, will discover the ulterior operations of Lord Hill. Unless arrested by peace, he may march to Philadelphia; no effectual force will assemble in time to oppose his march. It is said Lord Hill's army observes the strictest discipline."

Charles Carroll had come to the conclusion a few days later that Baltimore would not "capitulate" so promptly. And he writes to Robert Goodloe Harper, August 30th:

"Mr. Gallager is much in want of Dr. Wharton's answer to the Catholic question. He is, I believe, writing some strictures on Wharton's performance, and has written to the bookseller for it. I send my servant to bring the pamphlet to Mr. Gallager, and partly to know what is doing in Baltimore, and if a defense is beginning to be organized, such as may, when completed, oppose a successful resistance to the expected attack. Have you any tidings of Lord Hill, or any estimate to be relied on of the forces come, or coming with him? Is young Mr. William Cooke in town? How is Mr. Pinkney and Mr. Sterrett? I hope they all will soon recover from their wounds. Mr. Gallager tells me a large force is now in Baltimore, and daily increasing. He met great numbers on the road going there. If Mr. William Cooke, Sr., is still at the Widow Sterrett's I will call and see him.

As the conquest of Canada is now become hopeless, will not Madison recall our regulars from the frontiers of that province, at least the greater part of them? When the British get the command of Lake Ontario, Sacket's Harbour with our fleet must fall into their hands, and the

garrison also, left to defend it. Is it not time to hear something from Ghent? The British Cabinet, I fear, is playing on Madison his own game, and not very solicitous about peace with this country. That cabinet, however, will be taught by the event, if the war continues, as Madison has experienced to his cost, at least of this country, that honesty is the best policy, and reconciliation better.”¹

The crisis was over in Maryland, and Baltimore was saved from the fate of Washington, when the next letters that are preserved in this series were written, October 29th, and December 4th; too late to contain any mention of the stirring episode that has made of September 12th a State holiday. In the letter to Robert Goodloe Harper of the 4th of December, Charles Carroll of Carrollton contemplates with equanimity, in the event of British success at New Orleans, the secession of the “Western States,” meaning, doubtless, the states bordering on the Mississippi, and the formation of “a separate Confederacy,” and thinks it will be to the advantage of the “Union” that remains.

“*Doughoregan, 4th December, 1814*: I am of your opinion that the British government is disposed to make peace on terms which our Administration ought to accept; but our rulers and the heads of their faction do not want peace. They look to a large standing army to continue themselves and party in power, and to enforce the collection of taxes by military coercion, and without which they will not or cannot be paid. What event

¹ Family papers, Hon. John Lee Carroll and Mrs. Wm. C. Pennington.

could be more calamitous to this country? This baneful faction aims at a military despotism; with no other view has it acted all along in perfect concert with Bonaparte. Our commissioners comprehend perfectly the designs of the Executive, and act in conformity to secret instructions given to such of them as are most in the confidence of the President. I have no doubt the Congress at Vienna has by its measures consolidated the pacification of Europe, and that a long peace in that part of the world will be the result. About the 12th or 13th instant I expect to take up my winter quarters at Mr. Caton's in Baltimore; no danger, I think, of an attack on Baltimore this winter, or before the end of March. I suspect the expedition which sailed from Plymouth the 18th September, must be gone against New Orleans. Should the enemy succeed, perhaps the Western States, partly by force and partly by advantages which the British may hold out to them, may be induced to form a separate Confederacy. Their separation will secure the union of the Atlantic States, and form the best security for Canada.

Harper had been commissioned a brigadier-general of Maryland militia, and his father-in-law wrote to him from Baltimore, December 17th: "I hope the Council will speedily appoint a Brigadier General resident in this city that you may not be summoned here on every groundless alarm." He adds: "It is much to be desired to have a body of regular troops raised by the State for its defence, but I fear the means will be wanting to raise and pay a complete number."

The war closed nominally by the treaty of Ghent, signed two weeks before the actual conclusion of

hostilities in General Jackson's victory at New Orleans, January 8, 1815. There was great rejoicing doubtless among both Democrats and Federalists, at the return of peace. The latter party in Maryland included such prominent names as the Gilmors, Howards, Olivers, Sterretts, Smiths, Bryces, Grahams, and Cookes,¹ most of them Charles Carroll's intimate friends or connections, as will be seen. In December of this year, Charles Carroll writes to Robert Goodloe Harper, from Mr. Caton's in Baltimore, giving a pleasant account of the social festivities attendant upon the visit to that city of one of the heroes of the war, Carroll's old friend "Capt. Decatur," now risen to a high rank:

"Commodore Decatur and Mrs. Decatur dined with us yesterday. We had a pretty large party, Genl. Robert Smith, Mr. Cobb, Captain Spence, Col. Mercer, John Howard and several others. Mrs. Decatur dines with us today [December 19th.] Your letter was read to her. The Commodore is in good health and spirits. He dines with a large party tomorrow at Mrs. Robert Smith's. The Governor did intend to go to Annapolis on Monday, but has been much indisposed. I understand he is now much better."

In a letter of a little later date, Charles Carroll says: Commodore Decatur and Mrs. Decatur leave Baltimore for Washington on Thursday; every attention has been paid to them during their stay."² The following letters were written by Charles Carroll of Carrollton to General Harper while the latter was attending Congress, in 1816:

¹ Carey's "Olive Branch," Preface to First Edition.

² Family papers, Mrs. William C. Pennington.

“Baltimore, 23rd February 1816: Should the bill limiting the direct tax to one year pass the Senate, it is to be apprehended that the House of Representatives will refuse at the next session to originate another bill for laying that tax. What then will become of public credit if permanent taxes equally productive cannot or will not be substituted? If such could be imposed, operating equally, as far as is practicable, they would, perhaps, be preferable to the land tax, the collection of which will be expensive and difficult. If I am correctly informed a considerable proportion of the direct tax laid in Adams’ Administration remains unpaid in several of the Southern States. If a national bank on some sound principles should not pass, how is the present confusion in our monied concerns to be remedied, and the taxes collected? The States will go on incorporating banks, and this country will be deluged with a paper medium of no more value than the old Continental currency in its lowest stage of depreciation. Strange and most fraudulent expenditures of the revenue, it is reported have taken place in some of the public departments. If this report be true, will not an investigation of these abuses be set on foot by Congress? Has Mr. Gallatin declined his mission to France?”

“April 17th: I have read with pleasure your speech on the late resolutions moved by you in the Senate. It seems Mr. King spoke with asperity against the practice of impressing American seamen; no doubt it was and ever will be abused, but how can it be prevented but by a law excluding foreign seamen from our public and private vessels? Even a law will not be effectual without proper provisions to be executed under the inspection of consuls of foreign powers in our principal seaports. Unless a prohibition sanctioned by an act of Parliament and of Congress, perfectly reciprocal takes place, and is exe-

cuted on both sides with good faith, to exclude from British vessels of war and merchantmen American seamen, and *vice versa* British seamen from our vessels, public and private, the practice of impressment so injurious and justly complained of, will most certainly lead to war in the course of years, between the two countries. War I consider as a great calamity, and having a stronger influence in corrupting the morals of a nation even than a long peace, and therefore most weighty and just should be the cause to justify engaging in it; I think with Cicero, *nullum bellum justum, nisi necessarium*.... Again, a few thoughts on war and its causes; they are frequently concealed from the public, springing more from low intrigues, antipathies, ambition of individuals, and plausible pretences of violated national honor, than from the ostensible and alleged reasons and topics set forth in declarations. Collisions of interest and real grounds of quarrel, will, no doubt, sometimes arise, especially between maritime and commercial nations envious and jealous of each other. But if rulers were wise they would, at least ought, to resort before the sword is drawn, to pacific negotiations, carried on with good faith, free from irritation and in the spirit of peace, avoiding hatred and mutual reproaches. Such are my sentiments: *si quid novistri rectius istis candidus impesti, si non, his utere mecune.*¹

In July, General and Mrs. Harper were at the Ballston Springs in New York, and in writing to the former Charles Carroll sends messages to his friends in that State. He is “glad to hear that Mrs. Morris is well and happy” and wishes to be remembered to Mr. Morris, Mr. Gracie and Mr. King; “for all

¹ *Ibid.*

those gentlemen I feel a very sincere regard,” he adds. Charles Carroll alludes to the recent death of Gouverneur Morris in a letter of November 21st: “Is it known what disorder carried off Mr. Gouverneur Morris? His death is a public loss; in him the United States have lost a citizen of great abilities. Being an old acquaintance which commenced in difficult times, I regret sincerely his death.” Though the war was over the Federalist statesman still had causes of complaint against the Democratic Administration, and he writes in the fall of 1816: “I say nothing of politics, indeed I hate to think of them, for in viewing the general complexion and temper of these United States, I see nothing to console but much to alarm me for the present and future welfare of my country; this despondency is not the effect of this gloomy weather but of serious reflection.”¹

Charles Carroll of Carrollton had written to King the artist in August; telling him that he would be in Baltimore about the 20th of December, to remain there during the winter, and would sit for his picture, which had been requested by Joseph Delaplaine for “The Repository” a collection of biographical sketches Delaplaine was editing. This gentleman had asked Charles Carroll for some facts of his life, and the latter responded in an interesting letter, giving briefly an account of his education abroad, and his public services in America. He states:

“On the breaking out of our Revolution I took a de-

¹ *Ibid.*

cided part in support of the rights of this country; was elected a member of the Committee of Safety established by the Legislature, was a member of the Convention which formed the Constitution of this State. The journals of Congress will show how long I was a member of that body during the Revolution. With Dr. Franklin and Mr. Samuel Chase, I was appointed a commissioner to Canada. I was elected a member of the Senate at the first session of Congress under the present Confederation: though well acquainted with General Washington, and I flatter myself in his confidence,—few letters passed between us; one, having reference to the opposition made to the treaty concluded by Mr. Jay, has been repeatedly published in the newspapers, and perhaps you may have seen it; that letter is no longer in my possession.”¹

Mr. Delaplaine had asked Charles Carroll about his correspondence with General Washington. “The Repository, Lives and Portraits of Distinguished Americans,” published in Philadelphia in 1816 and 1818, was never completed as originally designed, and the Carroll sketch never saw the light.

Inquiries were also made of Charles Carroll, in 1817, as to his part in “the Convention which formed the Constitution” of Maryland and his reply is as follows:

BALTIMORE, 29th December, 1817.

Dear Sir: I was one of the committee that framed the constitution of this, State and the mode of choosing the Senate was suggested by me; no objection was made to it in the committee, as I remember, except by Mr. Johnson, who disliked the Senate’s filling up the vacan-

¹ Maryland Historical Society’s “Centennial Memorial,” 1876, p. 106.

cies in their own body. I replied that if the mode of chusing Senators by Electors were deemed eligible the filling up vacancies in that body was inevitable as the electors could not be convened to make choice of a Senator on every vacancy and that the Senate acting under the sanction of an oath, and *L' esprit du corps*, would insure the election of the fittest men for that station, nor do I recollect while I was in the Senate, that the power intrusted to it in this instance was ever abused or perverted to party views.

I do not remember at this distance of time whether this part of the committee's report was objected to in the convention, nor any report of its debates and proceedings other than what is to be found in Hanson's edition of the laws, nor what was the understanding of that body respecting the right of the Governor of nomination to the council. I have answered your several questions to the best of my recollection; my answers I fear will throw no new light on the subject; that the manner of electing Senators was approved by the experience of many years and that no inconvenience resulted from the Senate's filling up vacancies cannot I think be denied. When parties run high the best institutions afford but a feeble defence against the passions of interested or deluded men, party spirit seems to be abated, and to have lost much of its virulence, whether it will be prudent in this state of things to alter the mode of electing the Senate I leave to your better Judgment. I am, with sincere regard, Dear Sir,

Yr. most hum. Servt.
CH. CARROLL OF CARROLLTON.

To Virgil Maxcy. [West River, Md.]¹

¹ MS: Letter, Mr. Worthington C. Ford.

The Caton sisters, Mary, Mrs. Robert Patterson, whose husband was a brother of Madame Jerome Bonaparte, Elizabeth and Louisa Caton were in Europe at this time. And on March 1st, 1817, Louisa was married to Col. Sir Felton Bathurst Hervey, who had fought under Wellington in Spain, and was his aide-de-camp at Waterloo. And an interesting letter has been published within recent years, written to Charles Carroll of Carrollton by Col. Hervey, at the request of his wife's grandfather, describing the battle of Waterloo.¹ Allusion is made to this letter in the correspondence with General Harper. Charles Carroll was sending his grandsons abroad in these years, to be educated. And he makes careful inquiries in advance. Mary Harper was sent over to France, under the care of Mr. Gallatin, in 1816, to a school in Poitiers, where she will be "more piously educated than in the very best boarding-school in Philadelphia." And the affectionate grandfather writes tenderly: "A kind Providence, I hope, will guard my dear granddaughter and restore her to you both in good health, pious and improved in all those qualities which render women amiable and estimable. It is probable I shall not see the dear girl before her departure, and may not live to see her return. Kiss her for me. I send her my love and blessing." This young girl, it appears, died while abroad.

Charles Carroll wanted the two boys, young Carroll and young Harper to be educated together,

¹ *Littell's Living Age*, April 29th, 1893, from *The Nineteenth Century*; MS: at Hornby Castle, England.

and he thought first of Cambridge, but there were objections to the English University, “too many and too long vacations.” On the 21st of February, 1817, he wrote from Annapolis to General Harper who was then in Washington:

“The enclosed letter I beg you to deliver to the French minister with my respects, and request to him to forward it to Paris by the first opportunity. The purport of the letter is to request Mr. Perigny to give me his opinion as to the education of youth in France, and where morals are most attended to, and the best education can be obtained, in Paris or in the provinces, and in which of them. Should he prefer a Parisian education would he advise me to fix my grandson Charles Carroll, the expenses of board and tuition, and of being taught dancing, fencing, music and drawing. Uncertain of Mr. Perigny’s residence, I have addressed the letter to Julius de Menon.”

Mrs. Harper’s health failing in 1818, she sailed with her husband to England, for the benefit of the sea voyage and a change of climate; and the following letters from Charles Carroll of Carrollton to his son-in-law, tell something about himself, as well as about the travellers across the sea.

“*Doughoregan, 26th July, 1818:* I received yesterday your letter of the 10th of June from Liverpool. I hope you will find Mrs. Hervey and Betsy and the boys at Paris in good health, and the latter much improved. I send them my love and blessing. Betsy undoubtedly will not miss so good an opportunity of returning home with you and her aunt. Mr. and Mrs. Bagot favored me with a short visit. We have had some excessive hot days

unfortunately while my amiable and distinguished visitors were here. The more I see of them the more I like them; they grow upon acquaintance.

“When you see Julius assure him I have a sincere regard for him. Remember me also to his mother and her sister Madame Le Peltier. You will certainly take Cambray in your way. The boys are to spend their vacation with Mrs. Hervey. No doubt you will see the Duke of Wellington and Col. Hervey. From Mrs. Patterson’s account of the Duke there cannot be a more friendly and amiable man; and all who know Hervey love him. I suppose you will pay Mr. Cooke a visit. His character and great tenderness to Mrs. Harper’s nieces entitle him to every attention from every part of our family.”

“*August 28th*: [Thanks him for the letter of 21st of June.]... very interesting and satisfactory from the description of the country and gentlemen’s seats which you visited. Lord Grovenor must have a revenue exceeding £55,000 sterling, or must have incurred a considerable debt by expending £400,000 in building at the rate of £40,000 a year in ten years. I should suppose his style of living could not fall short of £15,000 pr. year. Betsy, I confidently hope, will return home with you. Present my kind respects to Col. Hervey. I have answered his obliging letter giving an account of the battle of Waterloo.”

“*November 3rd*: Kind respects to Count de Menon and Mr. and Mrs. Dunlevy. Assure [Kitty] of my tenderest affection and ardent desire for her return. Your dear little Robert enjoys excellent health and an abundant flow of spirits. He really is a charming child and most endearing. The distinguished reception you have received from the Duke of Wellington and Woronsoff could not fail of giving you much pleasure. The re-

views of troops must have been most amusing, and travelling must have contributed to your health. That you may long enjoy it is the sincere wish," etc.¹

The French friends mentioned by Charles Carroll of Carrollton in these letters had probably all been among the refugees who had come to the United States during the Reign of Terror in France; such least was the case with Madame Le Peltier, whose maiden name was Perigny and who was doubtless a sister of the Rev. Mr. Perigny, then living in Paris, the former chaplain at the Manor, and she was associated with Charles Carroll in an act of benevolence in connection with some of the St. Domingo exiles which may here be related.

Among the French families of means and social position living on that island at the time of the Revolution in St. Domingo was that of Jean Francois Morancy, consisting of himself, his wife, and three children. They lived near the town of Aux Cayes, to which place they fled from their plantation home to avoid the insurgent negroes. Here Madame Morancy died of yellow fever. Soon after came the fearful massacre of the whites by the slaves; Mr. Morancy, his brother, and the brother of his wife were all among the slain. The three helpless children, Victoire, Honore Pierre, and Emile, aged thirteen, ten, and five, were saved by their nurse, who carried them to the United States, where they landed at Charleston, South Carolina. Pierre recalled in after years the terror and agony of the flight, the hurried drive in a close carriage

¹ Family papers, Mrs. William C. Pennington.

through the blood-stained streets to the ship which took them away, three lonely, destitute orphans. There were others escaping at the same time who knew this family, and acquainted the French consul in Baltimore with their situation.

Victoire and the little Emile were adopted by Madame Le Peltier, who was then supporting herself by teaching, but the young girl finally went to live with relatives in the West Indies. Honore Pierre and Emile remained in America, and the education of Emile was provided for on the return of his benefactress to France, by Charles Carroll of Carrollton. In gratitude to Madame Le Peltier, Honore Pierre's name was changed to Honore Perigny. He became a teacher of languages, after his education was finished, until his marriage in 1818, to a lady of some fortune in Louisiana. Pierre lived with Mrs. Harper for some time, and was intimate with Charles Carroll's grandsons, corresponding with them while they were at school in Paris, and at college on their return to America. He became a physician, living also in Louisiana, and his son and grandson bore the name of Charles Carroll Morancy, in grateful remembrance of the benefactor of the family, Charles Carroll of Carrollton. Many letters from Charles Carroll to the Morancy brothers were among their cherished possessions and descended to their children, but were lost in the havoc of the war between the States.¹

¹ Data furnished by a descendant of Pierre Morancy.

CHAPTER IX.

THE LAST OF THE SIGNERS.

1820–1832.

THE year 1820 is memorable as the year when Missouri was admitted into the Union, when “the South reluctantly submitted to the so-called ‘compromise’ proposed by Henry Clay; the first of a long series of compromises in all of which the South purchased over again what was already hers, while all in the North took credit for generosity or complained of wrong, because she, [the North], yielded to her partner some small fraction of equal privilege and common property, arrogating the rest to herself.”¹ The “compromises” came to an end in 1861, and descendants of Charles Carroll of Carrollton, among other gallant Marylanders, took up arms for the rights of the South in the war that ensued, for the principles expounded in the immortal Declaration of Independence which their ancestor had signed. Charles Carroll, however, saw not the signs of the times, it would appear, from his political

¹ “History of the United States,” by Percy Greg, American Edition, vol. i., p. 324.

allusions in the letters to Robert Goodloe Harper written at this period:

“Annapolis, 17th February 1820: Mr. Bullet who heard Mr. King’s speech Friday last was disappointed. He thought it defective in argument, declamatory and inflammatory. Economy is said to be the order of the day at Washington; such a waste of time on the Missouri question is certainly incompatible with that order. The ardor and perseverance with which the debate is pursued give room to suspect that something else than the exclusion of slaves from the Missouri State is at the bottom. Will a bankrupt law be passed this session? Is there any chance of getting an act to compel the purchasers of lands in the western country to pay ready money for them? Will any measures be adopted by Congress to prevent abuses, such as have been committed by the president, cashier, and other officers in the office of Discount and Deposit in Baltimore? These matters are certainly of more importance to the Union than the Missouri question. The opinion of all acquainted with banking is that a good direction cannot be insured without giving every share a vote. I hope Mrs. Decatur’s party was fully attended, and I doubt not great elegance and taste were displayed by the mistress of the mansion, to whom and to the Commodore I desire to be kindly remembered. Mr. and Mrs. McTavish intend to pay them a visit as soon as the road gets settled.”

“April 19th: The brig on board of which Mr. and Mrs. Patterson have taken their passage has passed Annapolis and is nearly out of sight. I write this half hour past four o’clock.

“April 23rd: Mr. Walsh has sent me four of the *National Gazettes*, no doubt with the expectation that I

should become a subscriber. That the Gazette will be ably conducted, and contain many interesting dissertations and essays, the talents of Mr. Walsh are a sufficient guarantee; but why keep alive the question of slavery? It is admitted by all to be a great evil; let an effectual mode of getting rid of it be pointed out, or let the question sleep forever; the compromise will prevent the extension of slavery beyond 36 degrees north and west of the Missouri. It appears from the latest accounts from Madrid that Ferdinand has proclaimed his adherence to the Constitution made by the Cortes, 1812. Is that the last Constitution? If it be many alterations must be made to render it durable.”¹

Emily Caton had married John McTavish a Scotch gentleman, who had removed to Canada and was sent as consul to the port of Baltimore. After his marriage Mr. McTavish made his home in Maryland.

In one of Charles Carroll’s letters written in April, 1820, he refers to several tracts of land he owned “on Sugar and Pine Creeks in Pennsylvania,” which he has devised to his two daughters, and the four daughters of his son, Charles Carroll, Jr. It seems that Charles Carroll of Carrollton owned, “in various parts of Pennsylvania, 27,691 acres of land, part of which lay in Bradford County.”²

The death of Decatur in a duel with Commodore Barron took place March 22d, 1820, and the grief-stricken widow was staying with her friends in Annapolis in May. Charles Carroll writes on the 10th: “Mrs. Decatur continues much in the same

¹ Family papers, Mrs. William C. Pennington.

² Charles Carroll of Carrollton, p. 15, Rev. Horace E. Hayden. See also Appendix, Will of Charles Carroll.

state as when you left us. She cannot be prevailed on to go out in the carriage, or even to walk in the garden; she eats little and sleeps little." He was at "Doughoregan" soon after, where Mrs. Caton and Mrs. Decatur join him June 3d; "the exercise and change of air," he says, "has greatly benefited Mrs. Decatur, her spirits are more composed, she dines with us and converses more." Of his business affairs and the stringency of the times, Charles Carroll writes, in connection with banks and banking:

"The Congress has passed an act in relation to the banks in the district of Columbia. I am considerably interested in the Bank of Columbia, holding 236 shares. It is very uncertain whether the Bank of the United States will make a dividend next month. I receive no money but from bank dividends, and these must be applied to the annuities of my children. Upwards of \$3,000 are due to me in Baltimore for rents which cannot be collected, or are not; large sums are due for interest, which the debtors give themselves no concern about."

The latest foreign news receives attention in a letter dated July 25th:

"I got by the stage this morning Monday's Gazette. I find the Queen has arrived in England; I suspect her coming was encouraged by the Opposition to perplex the ministry. These men want to be ministers; a station in the present situation of England, in my opinion, no ways desirable. Subjects of discomfort enough exist without adding to them the embarrassment which the Queen's arrival will occasion, and the riots it has already excited, and probably will excite still greater."¹

¹ Family papers, Mrs. William C. Pennington.

With his family about him, children and grandchildren, and interesting company staying in the house, the summers at “Doughoregan Manor” in these years, were seasons to Charles Carroll of social and domestic pleasure, agreeable to contemplate. Among his visitors, in 1818, as we have seen, were the British Minister, Mr. Bagot and his wife. The former is described at this time as “about 35, tall, elegant, and rather graceful in person, countenance open and ingenuous, English complexion, and eyes mild though dark. He has thrown aside English reserve and hauteur, and attends to all with equal courtesy,”¹ says this writer.

And Watterston gives a pen-portrait of another distinguished foreigner, who had lived many years in United States, having left France to escape Napoleon’s tyranny, and who was also a friend of Charles Carroll of Carrollton’s and a visitor at the Manor. This was the French Minister, Mons. Hyde de Neuville, a “fat, portly gentleman, with a broad chest, big head, and short neck. He is full of Bourbon importance and French vivacity, has *petit soupers* every Saturday evening during the winter, and spends his summer at the springs, or his country residence, in extolling the virtues of his beloved Louis *le désiré*.”² He and his wife Madame de Neuville gave an elegant entertainment on the birthnight of the Duchesse d’ Angoulême, in December, 1817.

Adam Hodgson, an Englishman travelling in

¹ “Letters from Washington, by a Foreigner” [George Watterston, Librarian of Congress], 1818.

² *Ibid.*

America in 1820, has left on record a detailed account of a visit to “Doughoregan Manor” in July of this year which brings vividly to view the household and its guests, and the genial, courteous host. Writing from Baltimore, July 13th, he says:

“I have lately been paying some very agreeable visits at the country-seats of some of my acquaintances in the neighborhood.... The other morning I set out, at four o’clock, with General H [arper?] on a visit to a most agreeable family, who reside on a large Manor, about seventeen miles distant. We arrived about seven o’clock and the family soon afterwards assembled to breakfast. It consisted of several friends from France, Canada, and Washington and of the children and grandchildren of my host, a venerable patriarch, nearly eighty-five [eighty-three] years of age, and one of the four survivors of those who signed the Declaration of Independence. The house, situated in an extensive manor, is a large, unpretending mansion, and the whole domestic economy is substantially English. After breakfast Mr. C. retired to his study, and General H [arper?] conducted me to my room, where I read the *Edinburgh Review* till nearly dinner time, the weather being too hot for exercise, and each person being left to his own pursuits. The family portraits in the dining-room, comprised two or three generations, in their appropriate costume; and among others, was one of Mr. C. himself, painted, as he told me, by Sir Joshua Reynolds, more than sixty years since.

“In the cool of the evening three ponies were brought out for the children, who had been anticipating their evening ride all day with great glee. As the General rode with them, leading the ponies of the little girls with long reins, I was reminded with feelings of a melancholy

pleasure, of 'days that must return no more.' It was a night, and we sat, talking in the porch, till admiring the brilliant stars. General H's travels the Continent, Mr. ——'s residence in Canada, the budget of news from France, and my Indian tour, the subject of conversation. After breakfast following morning, the ladies played for us on the ; and in the evening, I set out on horseback, to return hither, not without a feeling of regret, that I had taken a final leave of my hospitable friend, who still an expert horseman, seldom goes beyond limits of his manor. I had, however, seen him riding a long procession, through the streets of Baltimore, in his hand, the Declaration of Independence, he delivered to the orator of the day, at the monument of General Washington. Among the distinguished personages at his house, I forgot to mention a little lapdog, which Lord Wellington gave to Madame Jerome Bonaparte, who, you will recollect, is a very near connection of the family."

A New England tourist had passed by "Doughoregan Manor" in the summer of 1819, which he ignorantly calls "Carrollton," but he did not stop to pay his respects to the retired statesman living there. He notes that there was no town of "Carrollton" [sic] only Charles Carroll's plantation, on which there nearly a thousand slaves, and which produced, twenty thousand bushels of wheat. "Attached to the house, " he observes, "was a small Roman Catholic chapel." "He is now very old," writes Jared Sparks,

¹ Hodgson's "Letters from North America," London, 1824. Letter xx., vol. i., p. 326.

“but still active.”¹ Charles Carroll of Carrollton is thus described in a newspaper of this year:

“Of activity of body, and energy of mind, evidencing a constitution preserved by the strictest discipline, which promises him long to this country and the community of which he has long been considered the most venerable and distinguished ornament. His mansion has given celebrity to the hospitality of Maryland, by being opened to distinguished visitors from every quarter of the Union and every civilized country of the globe. The utility of his public life is gilded by the peaceful beams of his declining years. A worthy associate of those men whose names are engraven upon a bolder monument than the pyramids of Egypt.”²

A re-survey of “Doughoregan Manor,” with the additions to the original tract, was made December 4th, 1820. And as so enlarged it contained 13,361 1/2 acres: “Beginning at a stone heretofore planted near the east side of the public road leading from Baltimore to Rockville in Montgomery County, marked with the following inscription, to wit:

Here Stand the Beginning Trees of Doughoregan,

Push Pin and

the Girl’s Portion.”³

Charles Carroll was in Annapolis the following winter and spring, where children and grandchildren were staying with him in April, when he writes to Robert Goodloe Harper on the 16th, that “Mr. and Mrs. Patterson and my son, and Mr. and Mrs.

¹ Adams’s “Life and Writings of Jared Sparks,” vol i., 151.

² Riley’s “History of Annapolis,” p. 256.

³ Land Office, Deeds, Annapolis.

McTavish intend to visit Mrs. Lloyd. During their Mrs. Caton will accompany me to 'Melwood;' our stay there will not exceed two days. I shall return to Annapolis on the 1st or 2nd May. Caton may possibly pay Mrs. Decatur a visit." He returned to Annapolis from "Melwood," May 1st, stopping on the way to dine with the Ogles at "Bel Air," and pay "a flying visit to the priests at White Marsh."¹ The following pious letter was written by Charles Carroll of Carrollton to his son, while the latter was at "Doughoregan" attending to his father's affairs there.

April 12th, 1821.

In writing to you I deem it my duty to call your attention to the shortness of this life, and the certainty death, and the dreadful judgment we must all undergo, and on the decision of which a happy or a miserable eternity depends. The impious has said in his heart, "There is no God." He would willingly believe there is no God; the passions, the corruptions of his heart would fain persuade him there is none. The stings of conscience betray the emptiness of the delusion; heavens proclaim the existence of God, and unperverted reason teaches that He must love virtue and hate and reward the one and punish the other.

The wisest and the best of the ancients believed in the immorality of the soul, and the Gospel has established great truth of a future state of rewards and punishments. My desire to induce you to reflect on futurity, by a virtuous life to merit heaven, have suggested above reflections and warnings. The approaching festival of Easter, and the merits and mercies of our

¹ Family papers, Mrs. William C. Pennington.

Redeemer *copiosa assudeum redemptio* have lead me into this chain of meditation and reasoning, and have inspired me with the hope of finding mercy before my Judge, and of being happy in the life to come, a happiness I wish you to participate with me by infusing into your heart a similar hope. Should this letter produce such a change, it will comfort me, and impart to you that peace of mind which the world cannot give, and which I am sure you have long ceased to enjoy.

As we shall now probably have pleasant weather, a jaunt to Carrollton will be of service to you. Before you leave the Manor, desire Mr. Dean to have an eye to the gardeners.

God bless you, from yr. aff. father

CH. CARROLL OF CARROLLTON.¹

In a letter to his son-in-law, Richard Caton, written from the Manor, July 20th, Charles Carroll of Carrollton in the midst of business details, inserts a paragraph or two which may be quoted: "We have had a fine rain this morning, between four and five o'clock," says the energetic old gentleman who still preserved his habit of early rising, "I hope we shall have more; the corn, tobacco, and young clover wanted rain, and more than has yet fallen here... When will the brick and plaster and scantling for the Catholic Chapel at Annapolis be forwarded to that city?"²

This Roman Catholic Chapel, called St. Mary's Church, was not completed until about 1830, and it was erected chiefly through the liberality of

¹ Family papers, Hon. John Lee Carroll. Published in part in *Appleton's Journal*, Sept. 19th, 1874.

² MS: Letter, Frank D. Andrews, Vineland, New Jersey.

Charles Carroll of Carrollton. It stood on the Duke of Gloucester Street, and was in good condition Ridgely described it in 1839.¹ It was torn only a few years ago, on account of its unsafe condition.² William Pinkney died in 1822, and in this same John Eager Howard lost his wife. Both events alluded to in letters of Charles Carroll of Carrollton to Robert Goodloe Harper:

“Baltimore, 28th February, 1822: I presume the suddenness and violence of poor Pinkney’s disorder prevented him from making a will during his illness, and if not made previously to it, probably he has made none. His death is a heavy loss to his family. Mr. Oliver told me he believed Pinkney had saved and laid up \$30,000. This sum divided among his children will make but a scanty fortune to each.”

“Doughoregan, 21st June: We are all well; nothing further from Mr. de Neuville. I am concerned to hear Judge Chase is so declining; to him, to his family, to the family with which you now reside, I desire to be kindly remembered.”

“October 22nd: How is Col. Howard? This last blow notwithstanding the firmness of his character, has a deep impression on his mind and heart; though averse he may be from seeing company, yet the visit of a friend might console him, at least discover that you feel for him. I suggest the propriety of calling on him. Should he decline your visit, you may learn from his son Ben how he bears his loss.”³

¹ Ridgely’s “Annals of Annapolis,” p. 245.

² Riley’s “History of Annapolis,” p. 304.

³ Family papers, Mrs. William C. Pennington.

The Potomac Company of which Charles Carroll had so long been a member was merged in 1823 into the Chesapeake and Ohio Canal Company. Virginia, Maryland, Pennsylvania, and the District of Columbia, sent delegates to a convention to meet in Washington to organize the Company, which had for its object the construction of a canal along the Potomac River to its head, and from that point to the waters of the Ohio. They met on the 6th of November, and the new company was incorporated, January 27, 1824.

The Alum Works Company was another enterprise in which Charles Carroll was interested at this time. He wrote on the 12th of May 1823, about the alum which was to be reserved for his use, sufficient to pay his last note of \$1000 given to Mr. Mitchell, agent of the Alum Works Company. This corporation failed and judgements were rendered against the Alum Works in November of this year. Among the visitors at "Doughoregan Manor" in the fall of 1823, was the Count de Menon, either the nephew or brother-in-law of Madame le Peltier, and this was very probably the same French Count who is mentioned as at "Doughoregan" in 1820. The last letter of importance in the correspondence of Charles Carroll of Carrollton with his son-in-law Robert Goodloe Harper, was written from "Doughoregan," 12th of August, 1824. General Harper, who was then in failing health, was, with his family, 'visiting his brother-in-law, Dr. Joseph Speed, in Tompkins County, New York. After some details about the crops in Maryland, Charles Carroll adds:

“I dwell on these matters as I have nothing more interesting. No doubt the newspapers have informed you of the sudden death of our Chancellor Johnson; it is conjectured Mr. John Buchanan will be his successor. We have not received any late letters from England; by the last, early in June, Mrs. Patterson’s health was improving. Mr. and Mrs. Bayard will leave us next Tuesday, the 17th inst. The late proceedings in Albany to promise Mr. Crawford a better chance of being president. I apprehended your accommodations on a considerable part of your route would be very indifferent, and would lessen the pleasure if not the benefit of travelling. I find they have been comfortable all the way, and in most instances good. This proves that it is wrong to anticipate evils which may never happen; a lesson I would impress on Mrs. Harper, too apt to look on the gloomy side of incidents that may occur through life. Give my love to her and your children. I suppose we may expect you about the 20th of September, when I hope we shall have the consolation of beholding you greatly benefited by your journey.”¹

General Harper died in Baltimore, January 15, 1825. Mary Sophia Carroll, the second daughter of Charles Carroll of “Homewood” and Harriet Chew, born in 1804, had married the Hon. Richard H. Bayard of Delaware, and was visiting with her husband at the Manor in August, 1824, as has been seen. The great incident of interest in America marking the year 1824, was the visit to its shores of General Lafayette. Preparations were early made in Virginia, for a celebration at Yorktown, the scene of the

¹ Family papers, Mrs. William C. Pennington.

surrender of Cornwallis, on the 19th of October, the anniversary of this event. Madison, Jefferson, and Charles Carroll of Carrollton were all invited to be present but declined "from age and infirmities." Charles Carroll wrote the following letter expressing his regret at his inability to be present.

BALTIMORE, October 5th, 1824.

SIR: I received this morning your letter of the 27th past. I am flattered by the volunteer companies of Virginia in inviting me to the village of Yorktown on the 19th instant. My advanced age prevents my being present at the place where the surrender of Lord Cornwallis to the united American and French Forces, sealed our independence. The recollection of a scene so long past will be highly gratifying to the nation's guest, who by his valor and services contributed to that important event. I remain, with great respect, Sir, your most humble servant,

CH. CARROLL OF CARROLLTON.

ROBERT G. SCOTT, ESQ., Richmond, Va.¹

In Maryland, the two most conspicuous survivors of the Revolutionary period were Charles Carroll of Carrollton and John Eager Howard. And they were associated together in a toast proposed, at this time, by George Washington Parke Custis of "Arlington," when he drank to Baltimore, "the city of Howard and Carroll." Lafayette came to Baltimore from Philadelphia, October 7th, with a party of gentlemen among whom was John Quincy Adams, who has left in his memoirs an account of the reception of "the nation's guest" in the Monumental city.

¹ Niles's Register, vol. xvii., p. 120.

At Fort McHenry, he says, they were met by the Governor of Maryland and others.

“Mr. Charles Carroll of Carrollton, one of the three surviving signers of the Declaration of Independence, Col. John Eager Howard... and several other veterans of the same class were there, all deeply affected by the scene which was purely pathetic. After partaking of a collation in the tent (used by General Washington during the Revolutionary War and borrowed from Mr. Custis of Arlington) the procession for the general’s entry into the city was formed.”¹

Charles Carroll of Carrollton formed a part of this pageant, which is fully described also in the news papers of the day. Lafayette was entertained at “Belvedere” by Col. Howard. And on the night of the 9th of October a grand ball was given to Lafayette, at which Charles Carroll of Carrollton was present for part of the evening.

We learn from the memoirs of John Quincy Adams, something further as to Charles Carroll’s political sentiments at this time. In the winter of 1824-1825, there were four Presidential candidates in the field, John Quincy Adams, Henry Clay, William H. Crawford and Andrew Jackson, all of them professing to be “Republicans,” or Democrats, for the party of the Federalists had ceased to exist as an organization, though it had its representatives in individuals. From Charles Carroll’s allusion to Crawford’s chances for the Presidency in his letter of August, 1824, it would seem that he advo-

¹ “Memoirs of John Quincy Adams,” vol. vi., p. 426.

cated the cause of the able Georgian. In February, 1815, it appears that as between Adams and Jackson, he preferred the latter, believing that he would be less inimical to the Federalist remnant. In this opinion he was supported by Roger Brooke Taney. John Quincy Adams who was then in Washington writes:

“Mr. Warfield came... He said that he had not expressed his determination for whom he should vote in the House on Wednesday. His friends, Mr. Charles Carroll of Carrollton, and Mr. Taney, of Baltimore, had urged him to vote for General Jackson, under an impression that if I should be elected, the administration would be conducted on the principle of proscribing the Federal party. I said I regretted much that Mr. Carroll for whose character I entertained a profound veneration, and Mr. Taney, of whose talents I had heard high encomium, should harbor such opinions of me.”¹

The biographer of Judge Taney informs us that the latter's conversion to Democracy, in which change of faith he was joined by many other Maryland Federalists, was caused by the publication in 1824, of the correspondence of Monroe and Jackson, 1816-1817, on the subject of the New England Federalists and their attitude in the war of 1812, the proceedings of the Hartford Convention having been kept secret by those engaged in it.

Charles Carroll of “Homewood” died on the 3d of April, 1825. He had been the object of his father's tender affection and solicitude as the correspondence

¹ *Ibid.*, vol. vi., p. 499.

of Charles Carroll of Carrollton testifies. In one of these many letters of shrewd, practical wisdom, and pious exhortation, the good man writes to his son: "God bless and prepare you for a better world, for the present is but a passing meteor compared to eternity." Writing to him in the summer of 1809, when his health was not good, the father says: "This cool weather will contribute to remove your indisposition, but you must lend your assistance by keeping your mind employed, by due exercise of body and mind, and by a light regimen and abstinence from wine and heating liquors, by going to bed at nine o'clock and rising by five o'clock in the morning. I believe lounging in bed after waking in the morning, to be very injurious to health, particularly to persons inclined to a corpulent habit. I prescribe nothing for you but what I practice myself." In one of his letter of 1815, Charles Carroll says: "While Mr. Hurley remains with you I hope you will profit by his good advice. At the hour of your death, ah! my son, you will feel the emptiness of all sublunary things; and that hour may be much nearer than you expect. Think well on it, I mean your eternal welfare."

Charles Carroll, Jr., was handsome in feature, and of winning, agreeable manners, characteristics calculated to render him socially popular. He left, with other children, a son, of whom mention has been made, the fifth of the name and line, known later as Col. Charles Carroll to whom his grandfather devised "Doughoregan Manor." Charles Carroll of Carrollton had now survived both his favorite son-

in-law and his only son. He was eighty-nine years old, and the following deeply impressive letter was written by him in September, 1825, apparently in response to one from a friend, perhaps the editor of the *National Journal*.

“On the 20th of this month I entered into my eighty-ninth year. This, in any country, would be deemed a long life, yet as you observe, if it has not been directed to the only end for which man was created, it is a mere nothing, an empty phantom, an indivisible point, con’pared with eternity. Too much of my time and attention have been misapplied on matters to which an impartial judge, penetrating the secrets of hearts, before whom I shall soon appear, will ascribe [no?] merit deserving recompense. On the mercy of my Redeemer I rely for salvation, and on His merits; not on the Works I have done in obedience to His precepts, for even these, I fear, a mixture of alloy will render un-availing and cause to be rejected.”¹

Though he had reached such an advanced age, Charles Carroll’s mind was still vigorous, and his interest in public affairs unabated. The publication of the debates in the Federal Convention, up to this time kept secret, drew men’s minds to the consideration of the formation of the existing Federal Government. And Charles Carroll of Carrollton, it seems, still cherished his old fears as to the dangers menacing the central system from the sovereign States that had delegated to it some of their powers.

¹ Niles’s Register, vol. xxx., p. 374. *The National Journal*, July, 1826.

Judge Hanson had lent him the volume which he returned with the following note:

“Mr. Carroll returns to Judge Hanson the book containing the secret debates and proceedings of the Convention. Mr. [the name illegible] and others who opposed the Confederation were apprehensive that the general government would swallow up the State governments. I wish God the very reverse may not happen. I already discover the seeds of such an event; both must be preserved to insure the continuance of Liberty in the spirit of the Constitutions of both.

26th February, 1826.

[Endorsed] The Honorable Judge Hanson.”¹

The year 1826 had brought round the fiftieth anniversary of the signing of the Declaration of Independence the semi-centennial of the birth of the forming the “Confederation” of 1789, as the existing Union, and all eyes turned upon the three men still living who had the immortal charter of ’76, one of them, indeed being the illustrious Virginian who had penned it. The Erie Canal had just been completed, uniting the Northern Lakes with the Atlantic Ocean, and the of New York, in striking medals to commemorate this important event, ordered that the three made of gold, should be presented to the three survivors of the signers, Thomas Jefferson, John Adams and Charles Carroll of Carrollton. To the Committee which presented him with this token of reverence and regard, Charles Carroll wrote as follows:

¹ Pennsylvania Historical Society.

Baltimore, May 9th, 1826: Gentlemen, I was this day highly gratified by your letter of the 28th past, and the delivery of the gold medal, of the highest class, commemorating the completion of the Erie Canal, uniting the great western lakes with the Atlantic Ocean, which as a committee of the corporation of the city of New York, you were instructed to deliver to me, being one of the surviving signers of the Declaration of Independence of these United States. I am much honored by this testimony of respect paid to me by the order of the Common Council of the city of New York for the part I took in signing that important paper.

The completion of the great work, uniting the western lakes with the ocean, does honor to the State of New York. May the benefits resulting from the undertaking amply reward the wise and patriotic exertions of its citizens, and perpetuate to the city of New York its growing prosperity.

Accept, gentlemen, my thanks for your letter and the satisfaction you have expressed in conveying to me this testimony of public respect. I remain, with great respect, gentlemen, your most humble servant,

CHARLES CARROLL OF CARROLLTON.

P.S. I have also received the medal, enclosed in a box made of the maple from Lake Erie. The memoir of the Canal of New York when printed, I request the favor of you to forward to me; it will be a most interesting and instructive communication.¹

The citizens of Washington invited the surviving signers of the "Declaration" to the celebration of the fiftieth anniversary of American Independence, on the 4th of July, 1826, and also the two ex-Presi-

¹ Niles's Register, vol. xxx., p. 314.

dents, James Madison and James Monroe. All five declined the invitation. Charles Carroll, who had also been asked to attend the celebration in New York and had declined to do so, gave this as a reason for not going to Washington in his letter from "Doughoregon Manor," June 17th, to the chairman of the Washington committee.¹ But no doubt he did not feel able to endure the fatigue and excitement, especially at such a hot season of the year. This memorable 4th of July was signalized by the dramatic death, almost at the same moment, of Jefferson and Adams, leaving Charles Carroll of Carrollton the sole survivor of the Signers. He was now called upon to unite with his fellow-countrymen in paying the last honors to the memory of the two departed statesmen. A committee of the corporation of Baltimore city, accompanied by the Mayor, visited Charles Carroll at "Doughoregon Manor," presenting him with a written request to be present at the memorial services to take place in Baltimore. He replied in a letter addressed to the Mayor:

DOUGHOREGAN MANOR, 16 July, 1826.

SIR:

I request you to convey to the municipal authorities of the city of Baltimore, and to the committee of arrangements, my acceptance of their invitation to join in those ceremonies with which it is intended to commemorate the veneration and respect so justly due to the memories of the two departed and illustrious signers of the Declaration of Independence, who bore so conspicuous a part in that great event. The testimonies of respect to be

¹ *Ibid.*, p. 342.

paid on this solemn occasion to the memories of citizens so deserving of public gratitude, will be a strong incentive to the present and future generations to merit that esteem which disinterested patriotism sooner or later never fails to command.

Accept, Sir, individually, my warm thanks for the honor you have done me on this occasion, and believe me with the greatest respect, Sir, yr. most humble servant,

CH. CARROLL OF CARROLLTON.

To the Honorable John Montgomery, Esq., Mayor of the city of Baltimore.¹

Three days later Charles Carroll wrote the following interesting letter to Charles H. Wharton of Philadelphia, who was then in Washington:

1826, July 19th, DOUGHOREGAN.

DEAR SIR:

I received the 17th, your friendly letter of the 14th instant. As I am fast approaching to the last scene, which will put an end to all earthly cares and concerns, I am looking to that state from which all care, all solicitude and all passions which agitate mankind are excluded. Revelation instructs us that eternal happiness or eternal misery will be the destiny of man in the life to come; the most pious, the most exemplary have trembled at the thought of the dreadful alternative. Oh! what will be the fate of those who little think of it, or thinking square not their actions accordingly.

Though I disapproved of Mr. Jefferson's Administra-

¹ MS: Letter, Miss M.A. Cohen, Baltimore. Published in *Niles's Register*, vol. xxx., p. 375.

tion, and was dissatisfied with a part of Mr. Adams', unquestionably greatly contributed to the Independence of this country; their services should be remembered and their errors forgotten and forgiven. This evening I am going to Baltimore to attend to the procession and ceremonies to be paid to the memories of those praised and dispraised Presidents.

Baron de Montreul and his family are now here: they are indeed amiable and we are all delighted with their manners, ease, affability and cheerfulness. When they return to France the society of Washington will feel the loss.

I was not in Congress when the vote of Independence was taken. As soon as I took my seat I signed that important declaration, which has thus far produced, and will perpetuate the happiness of these States. You say you should be happy to see me; why then do you not come to see me. The distance is not great, and you are young compared with me. I shall always be happy to see you at this my summer and autumnal residence. Wishing you health and happiness, I remain, Dear Sir, your friend and humble servant,

CH. CARROLL OF CARROLLTON.¹

The memorial services in honor of Adams and Jefferson took place on the 20th of July. In the procession was a Funeral Car with black horses and trappings of mourning. This was preceded by the clergy, a band of music playing dirges, and a troop of horse with standard draped in black and swords sheathed. In a barouche following the car were the

¹ MS: Letter, Charles Roberts, Philadelphia. See Brotherhood's *Book of the Signers*, for fac-simile.

distinguished mourners, Charles Carroll of Carrollton, the surviving signer of the Declaration of Independence, General Samuel Smith, who was to be the orator of the day, and Col. John Eager Howard. The Governor of Maryland and his staff followed, with the Executive Council in carriages, the committee of arrangements and the many others who made up the imposing cortege. Charles Carroll was the chief mourner, says a writer of the day, and four generations followed him: "those who fought at Bunker Hill and Yorktown, those who fought at North Point and New Orleans, those now arrived at the point of manhood, and those who clinging to their parents or collected under their instructors (youths at the schools and juvenile institutions) urged the short, rapid steps of infancy to keep pace with the proud ranks that marched along."¹

Charles Carroll sat for his bust to Browere, at the sculptor's request, in this month, July, 1826, as he mentions in a letter to Archibald Robertson, the artist. The Browere bust of Charles Carroll of Carrollton was exhibited in Baltimore and pronounced an admirable likeness.²

DOUGHOREGAN MANOR, July 29, 1826.

SIR:

Mr. Browere has produced and read to me several letters from sundry most respectable person-ages; on their recommendation and at his request I sat to him to take my bust. He has taken it, and in my opinion and that of my family, and of all who have seen it, the resemblance is most striking. The operation from its com-

¹ Niles's Register, vol. xxx., p. 383.

² *Ibid.*, p. 411.

mencement to its completion was performed in two hours, with very little inconvenience and no pain to myself.

This bust Mr. Browere contemplates placing, with many others, in a national gallery of busts. That his efforts may be crowned with success is my earnest wish. That his talents and genius deserve it I have no hesitation in pronouncing.

I remain with great respect, Sir, your most humble servant,

CH. CARROLL OF CARROLLTON.

TO ARCHIBALD ROBERTSON.¹

A letter of John Quincy Adams, written June 24th, 1824, on the subject of the circumstances attending the signing of the Declaration of Independence, was sent to Charles Carroll of Carrollton at "Doughoregon Manor," September 15th, 1826, with the fac-simile copies of the Declaration to which Carroll had appended his signature, August 20th, just fifty years from the day he had originally signed it. Carroll had signed several of these engrossed copies, as the sole survivor of the signers of the original paper. One of the two presented to him in September, 1826, he gave to John McTavish, the husband of his favorite granddaughter. Another one of these copies of the Declaration was "presented to the New York City Library, countersigned by President John Quincy Adams and several of his cabinet officers, and some other public characters, and also endorsed by Governor De Witt Clinton and others of the State of New York. This copy is bound in folio

¹ MS: Letter, Gen. C.=W. Darling, Oneida Hist. Society.

form in vellum, and after having been misplaced for many years, has recently been recovered.”¹

A poetess next brought a wreath of bay for the aged patriot’s brow, the nonagenarian who held the interesting position of the last of the stalwart band of the Signers of ’76, who a half-century before had risked life and fortune for the republican principle of the right of self-government. To Mrs. Sigourney’s poetical tribute Charles Carroll made response in a fine and feeling letter.

THE LAST SURVIVOR OF THE SIGNERS OF OUR DECLARATION OF INDEPENDENCE.

ASSYRIA boasted him who humbled Tyre,
Her warrior monarch. Greece the clarion swell’d
For him of Macedon, whose sickning tear
Flow’d o’er the narrow limits of a world,
Though in a wine cup’s narrower round his soul,
Dissolving sank. Stern Carthage too was proud
Of old Hamilcar’s son, when from the height
Of Alpine cliffs, with vengeful eye she scann’d
Her haughty rival. Rome beset the heavens,
Even while her veins were bursting, with the shout
Of “Io Caesar !” On red Sweden’s sky
A meteor glared, till dire Pultowa quench’d
The wild-fire flame. France trembled as she took
Her idol on her shoulders, and compell’d
Tribute from mightier climes, but the cold blast
That swept Siberian pines breathed o’er his brow,
Proving he was but clay.—

Behold they died!

¹ “Autograph Collections of the United States,” Lyman C. Draper, p. 105.

These demigods of earth,—and left their fame
 To ravaged realms, and slaughter'd hecatombs,
 And widow's tears. But in this western world
 Which nature in her bosom long conceal'd,
 As her last, precious gem, a band arose
 Of nobler heroes. They, no conquest sought,
 No throne usurp'd, nor vassal homage claim'd,
 But bade the sceptre, and the crowned head
 Bow to the righteous cause. Time laid his hand
 Upon their silver'd brows, and summon'd all
 Save one, who in the dignity of age
 Linger'd amid the blessings they had wrought,
 Crown'd by a nation's thanks.-

To honor's tomb

He saw his brethren gather'd, one by one,
 Yet found *they might not die*.

Amid the haunts

Of industry, who o'er his harvest sings,
 Of lettered knowledge, liberty and wealth,
 They move illustrious in the gifts they gave.
 When to the woodman's axe the forest groans
 Brief answer, and the new-born city springs,
 It bears their name. Those mighty streams that roll
 The tide of commerce o'er our cultured vales,
 And ocean's thundering wave which proudly bears
 The star-clad banner on its course sublime,
 Speak forth their praise.

The husbandman who guides

His caravan far from his father's fields,
 On toward the setting sun, and boldly rears
 A cell upon the frontiers, makes their deeds
 His text-book nightly to his list'ning sons
 Who throng the winter fire. Their pictured forms

Look down from halls of taste and wake the soul
 Of the young student to heroic deeds.
 'Babes learn to name them in their murmur'd prayer.
 And as Penates, at each household hearth,
 Where freedom smiles, they dwell.

Say not 'tis *death*
 When this clay fabric falls, and weary yields
 Each element a part. Is it not *life*
 To prompt heroic thought, to cheer the toil
 Alike of statesmen and of laboring swain,
 To prop the columns of a nation's strength,
 And soar on gratitude's unresting wing
 Around the earth ?—*Such glorious life they live.*¹

Doughoregan, 14th September, 1826: Madam: I was this day honored with your letter of the 5th instant containing your beautiful verses on departed and forgotten heroes: they have all sunk into the Abyss of oblivion; their fame now exists only in history.

Who are deserving of immortality? they who serve God in truth, and they who have rendered great, essential, and disinterested services and benefits to their country.

To be esteemed and loved by a whole people is most flattering and acceptable; especially to those really meriting that esteem and love. I am not so vain as to consider myself as one of them; I conscientiously voted for the Independence of my country; its cause was righteous, and I lent my feeble aid in its support during the struggle.

Accept, Madam, my thanks for your approbation of

¹ "Poems by the Author of 'Moral Pieces in Prose and Verse,'" Boston, 1827, p. 194.

my conduct and wishes for my health and happiness; the same acknowledgement I beg your husband to accept.

I remain with great respect, Madam,
Your most obedient humble servant
CHARLES CARROLL OF CARROLLTON.

To Madam L. Sigourney, Hartford, Connecticut.¹

A medal was struck by Charles Carroll to commemorate his ninetieth birthday, September 20, 1826. Three of them were of gold and were given to his daughters and eldest grandson. Silver ones were given the other grandchildren. On one side is the profile bust of Charles Carroll in relief, with the legend round the margin: "To Charles of Carrollton." On the other face of the are the words: "The surviving Signer of Declaration of Independence after the 50th Anniversary," surrounded by a laurel wreath entwined with ribbon, a scroll, pen, and olive branch, below. And around the margin here is the motto: "Upon entering his 90th. year. Sep. XX. MDCCCXXVI." Charles Carroll is described as he appeared on his birthday anniversary, 1826, by a writer in the *American Farmer*, September 22d, who tells of present annually made him on this day by some of his neighbors:

"There are more than 100 deer on the Harewood estate, from which the best buck is always selected as annual offering to the venerable Charles Carroll of Carrollton on his birthday. The last of these occurred

¹ MS: Letter, Charles J. Hoadly, L.L.D. Hartford, Conn.

on Wednesday last, the 20th, when in fine health and spirits he received the heart-felt congratulations of family and friends, at his manor on Elkridge.... He plunges into his limestone spring bath every morning before sunrise, and still rides on horseback with pleasure in good weather. A large portion of the day is devoted to reading. He retains his partiality for Latin and French literature.”¹

From the letter of Charles Carroll to Robert Gilmore of Baltimore, written about this time, a quotation has been given in a former chapter:

MANOR, 15th Oct., 1826.

DEAR SIR:

It would give me pleasure to comply with your request but it is not in my power. I held no correspondence with the members of the Revolutionary Congress, except those from Maryland. Many letters passed between Messrs. Chase and Paca and myself on the passing events of that critical period; when those events had gone by, the matter to which they relate ceasing to be interesting to the writers the letters were destroyed, at least those that were directed to me.

I shall be much gratified with the purusal of Doctor Franklin’s letter to the Lady on the loss of a dear connection; every subject handled by that great man bore the image of his genius, and none was more suitable to it than administering consolation to the person so deeply afflicted.

With my respects to Mrs. Gilmore, I remain with esteem, Dear Sir, Your most humble servant

CH. CARROLL OF CARROLLTON.²

¹ Niles’s Register, vol. xxxi., p. 55.

² Pennsylvania Historical Society.

Robert Gilmore, it seems, had written to Charles Carroll "requesting his aid in completing a collection of autographs of the signers of the Declaration of Independence," as he notes on the margin of Carroll's letter.

Two pen-pictures of Charles Carroll of Carrollton have come down to us, describing him, in this his ninetieth year; one by Sullivan, who it would appear gives his account at second-hand, and the other, full of enthusiastic appreciation, from Macready, the celebrated actor, who, as he relates, visited Charles Carroll "on his own particular invitation." Sullivan says:

"Mr. Charles Carroll was rather a small and thin person of very gracious and polished manners. At the age of ninety he was still upright, and could see and hear as well as men commonly do. He had a smiling expression when he spoke, and had none of the reserve which usually attends old age. He was said to have preserved his vigor, by riding on horseback, and by daily bathing in cold water. He was a gentleman of the 'old school' of deportment, which is passing away if not gone."¹

Charles Carroll was at his winter home, which was then in Baltimore, with his daughter Mrs. Caton, when visited by Macready the latter part of November, 1826. Macready writes that he was

"A man most interesting from his varied and extensive acquirements, and especially as being the last surviving Signer of the Declaration of Independence. He was a rare instance of extreme old age (being then in his ninetieth year) retaining all the vivacity and grace of youth

¹ Sullivan's "Familiar Letters on Public Characters," p. 108, 1933.

with the polish of one educated in the school of Chesterfield. In my life's experience I have never met with a more finished gentleman. At his advanced age he kept up his acquaintance with the classics. He spoke of England with respect, and of his own country, its institutions, its prospects, and its dangers, with perfect freedom, anticipating its eventual greatness, if not marred by faction and the vice of intemperance in the use of ardent spirits, detaining me not unwillingly, more than two hours in most attractive conversation. When at last I was obliged to take my leave, he rose, and to my entreaty that he would not attempt to follow me down stairs, he replied in the liveliest manner, 'Oh, I shall never see you again, and so I will see the last of you.' He shook hands with me at the street door, and I bade a reluctant adieu to one of the noblest samples of manhood I had ever seen, or am ever likely to look upon."¹

The following letter dictated by Charles Carroll of Carrollton, relating to his ancestry, was written in response to the queries of an Irish gentleman of the same name living in Cork.

BALTIMORE, 24th February, 1827.

SIR:

Mr. Carroll of Carrollton received a letter from you dated the first of December last, enquiring of him if he could inform you if any, and what relationship there may be between you and his family. He desires me to inform you that he has no knowledge of any of the branches of his family in Ireland. His grandfather left England in the year 1688. His father was sent at an early period to France, to receive his education, and was there at the

¹ Macready's "Reminiscences," by Sir Frederick Pollock, Bart., London, 1875, vol. i., p. 322.

time his father (the grandfather of Mr. Carroll of Carrollton) died. He had therefore no opportunity of learning the particulars relating to his family. The arms of your seal are the same he bears. The family [motto] in Ireland previous to his grandfather's coming to America was "*In Fide et in Bello fortes.*" The one adopted by his grandfather on quitting England is "*Ubi cumque, cum Libertate.*" He desires me to assure you that it gives him pleasure to hear you are in the enjoyment of ease and independence, with a family possessing the gifts of education and an ample provision.

I am, Sir, your most obedient servant

GEORGE NEILSON.

To Charles Carroll Esq., No. 3 St. Patrick street, Cork, Ireland.¹

To the editor of a newspaper printed in Annapolis, and called in his honor *The Carrolltanic*, Charles Carroll wrote kindly notes of appreciation, March 20th, and August 22, 1827, accompanied in the first instance by a substantial token of his regard. "Enclosed you will have my check," he writes, "for fifty dollars as an acknowledgment of the compliment paid by the title of *Carrolltonian* given to your newspaper, which I hope meets with the encouragement it deserves and will be profitable."² In August, it appears, he had been suffering with inflammation of the eyes of which he speaks to Mr. McNair as his "late indisposition." "I thank you," he adds, "for your friendly sentiments respecting my health and continuance of it, and am pleased

¹ Family papers, Rev. Thomas Sim Lee.

² MS: Letter, D.Mc.N. Stauffer, New York.

by your forwarding to the Marchioness Wellesley a complete file of *The Carrolltonian*; she will amused by the perusal of them and will be gratified by this mark of attention,”¹

Charles Carroll’s granddaughter, Mrs. Robert Patterson had lost her husband in 1822. She, with her two sisters, Mrs. Hervey, afterwards Duchess of Leeds, and Elizabeth Caton, who became later Lady Stafford, were together in England, soon after; and at the country-seat of the Duke of Wellington, where they were visiting, the fair widow met the Duke’s elder brother, the Marquis of Wellesley, widower of sixty-three. He fell in love with the beautiful American, and in 1825, he addressed her and they were married in Dublin, where the Marquis of Wellesley was then living in vice-regal state, as Lord-Lieutenant of Ireland. Here the Marchioness of Wellesley presided, with the Marquis, at a grand ball given on the 11th of May, 1826, seated on a throne, under a canopy of scarlet and gold. At a banquet in Charleston, South Carolina, the 4th of July, 1827, Bishop England, in allusion to these dignities and honors, gave the following toast: “Charles Carroll of Carrollton; in the land from which his grandfather fled in terror, his granddaughter now reigns a queen.”²

The opinion of Charles Carroll of Carrollton, on public matters, was still sought at this time, by his friends and admirers, but that he was not disposed

¹ MS: Letter, Charles Roberts, Philadelphia.

² “The American Graces,” by Eugene L. Didier, *Harper’s Magazine*, September, 1880.

to make public his views on current politics appears from the following communication to one of his correspondents. Asked to give his preference as to the two candidates for the Presidency, his reply was cautious and non-committal:

“1827, May 25th: I received yesterday your letter of the 23d. I take no part in the contest respecting the election of the next President; of course I give no opinion which of the candidates should be the choice of the people. Anxious for the welfare of the country, my only wish is, that it may fall on him whose measures will be solely directed to the public good.”¹

As in 1824, the contest was again between John Adams and Andrew Jackson, and this time Jackson was to win. Adams, with Henry Clay as his Secretary of State, had shown himself a Federalist to all intents and purposes, and this division of the “Republican” party now called themselves “National Republicans,” in opposition to the true Democratic party led by Jackson. That Charles Carroll was still a Federalist on the more essential points in controversy, in connection with the Federal and State governments, is manifest from an entertaining letter addressed by him to his old friend, and associate on the Board of War, Richard Peters of Philadelphia.

DOUGHOREGAN, 25th June, 1827.

MY DEAR SIR:

The sentiments expressed in your acceptable and interesting letter accord perfectly with mine. Though no

¹ Niles's Register, vol. xxxii., p. 227.

correspondence has taken place between us since I ceased to be a member of the committee of the Board of War, the drudgery of which fell upon you, the transactions of those days still occupy my thoughts; of course you are frequently an object of them. All who took a part in that hazardous and glorious cause are dear to me; the memory of those gone before us I venerate, the living I love; all acted from principle and all contributed, more or less, to our Independence. The government established by the people will secure their happiness as long as its end, spirit and principles are acted upon and preserved. Should the jealousy and ambition of some States succeed in sapping the powers of it, or so restrict the exercise of them as to control its superintendence over the States within the limits prescribed by the Constitution, the confederacy will be dissolved and all the evils experienced under the first will recur, and in a greater degree in proportion to the increase of population and multiplicity of clashing interests.

I think with you, the addition of new States will not produce, but will rather prevent, at least retard, such an event. Are there not other evils threatening the government? What government, the principal object which should be the preservation of morals, can subsist midst their general corruption; what has a greater tendency to corrupt them than the prevalence of drunkenness of the lower classes of society?

I consider the Supreme Court of the United States the strongest guardian of the powers of Congress rights of the people; as long as that Court is composed of learned, upright and intrepid judges the Union will be preserved. Would it not be an improvement of Federal judiciary to make the Supreme Court consisting now of seven judges, reducing that number, merely a

court of appeal, stationed at Washington, holding three terms in each year; that court being so constituted, circuit judges should be appointed sufficient for the administration of justice in this extended and extending empire. But I forget I am writing to a judge, a good and upright one, *Sutor me ultra crepidam*.

I do not correspond with Lafayette; just before his sailing, expecting him in Baltimore, I invited him to my country-seat. I suspect he did not get my letter; in all of yours to him I beg you to assure him of my affectionate remembrance and esteem. I am sorry to learn from your letter that Mr. Jay is lingering under a sickly constitution of body but possessing a mind unimpaired by sickness. I envy your happiness in corresponding with so good and great a man; in my estimation he is one of the brightest characters this country has produced. I yet remember with pleasure a conversation at his house over a good old Madeira, between him and Mr. Clinton afterwards Vice-President, at which I was present but not bearing any part in it: this incident has probably escaped his memory, but it will never mine.

I am pretty active for a man in his ninetieth year; my rambling is over, and now limited to between this manor and Baltimore. I should be happy to see you again, and of this I despair from the causes mentioned in your letter and in this. Your recovery from your late indisposition will soon permit me [you?] to resume the cold bath which I have used, at intervals, upwards of fifty years. Since coming here I have gone into my cold bath only thrice owing to the damp and cool weather; when settled and warmer I shall resume the habit. I have always taken great delight in reading; the weakness of my eyes deprives me of that pleasure. Conversing with the dead we are amused and instructed, and not flat-

tered; to be excluded from their conversation at my time of life is a serious misfortune; to be exempt from every evil in this state of probation is the lot of very few, if of any.

You seem to think your letter is too garrulous; I am pleased with its garrulity; *dulceest decipene in loco*. Reflecting on the prosperous termination of the contest with England; the fortitude, steady perseverance displayed and the privations suppressed [*sic*] during its continuance what consolation must they not feel who were actors in it.

With respect and esteem, I remain, Dear Sir,

Your friend and humble servant

CHARLES CARROLL OF CARROLLTON.

To the HON. RICHARD PETERS, Philadelphia.¹

Home affections and domestic interests occupied now the larger place in the correspondence of the aged statesman. He had written to his agent from Baltimore in May, ordering wagons to be sent in from the Manor to carry things out, preparatory to his removal there for the summer. And in anticipation of the usual hospitality exercised at his country home, two barrels of port wine, containing twenty-five gallons each, had been despatched to the Manor a month or two before.²

From "Doughoregan," June 11th, Charles Carroll wrote to his son-in-law, Richard Caton, telling him of the prospects for wheat, of the new lime-kiln, the rebuilding of the saw-mill dam, the putting new stones in the grist-mill, and other plantation affairs.

¹ Pennsylvania Historical Society.

² MS. Letter, Worthington C. Ford.

Mrs. Harper, who had not been in good health, had left him the morning to go to the Springs. The latter continues: "When shall I have the pleasure of seeing you and my daughter at the Manor? Little Mary Wellesley has a cold and is teething. The cold affects somewhat her spirits, but I apprehend no danger. I hope the waters of Leamington, change of air, and company, and the return of spring, if they do not perfectly restore the Marchioness's health, will in a great degree alleviate her complaints. It is probable that the Marquis may hold another year the lieutenancy of Ireland." "Mr. Vaughn" is mentioned as at the Manor in July, and he goes from there to Long Branch. Mrs. McTavish was, (with her family,) spending the summer with her grandfather.

Charles Carroll rented his house and garden in Annapolis to Mr. John Randall in 1827. His farm near the town was rented to a Mr. Nichols, who raised tobacco on it, having several hogsheads on hand in August of this year. In September we find Charles Carroll importing a quantity of wine from Leghorn for the use of his family.¹ One other letter of Charles Carroll of Carrollton's, of general interest, is extant written in 1827. This was addressed to the Rev. John Standford, of New York, and is upon the subject of religious liberty:

DOUGHOREGAN, October 9, 1827.

REVEREND AND DEAR SIR:

I was yesterday favored with your friendly letter of the 10th past, and the discourses on the opening of the House

¹ Letters to Richard Caton, Esq.

of Refuge and on the death of Jefferson and Adams. The former I have not yet read. With the latter I am highly pleased and I sincerely thank you for your pious wishes for my happiness in the life to come. Your sentiments on religious liberty coincide entirely with mine. To obtain religious, as well as civil liberty, I entered jealously into the Revolution, and observing the Christian religion divided into many sects, I rounded the hope that no one would be so predominant as to become the religion of the State. That hope was thus early entertained, because all of them joined in the same cause, with few exceptions of individuals. God grant that this religious liberty may be preserved in these States, to the end of time, and that all believing in the religion of Christ may practice the leading principle of charity, the basis of every virtue.

I remain with great respect, Rev. Sir,
Your most humble Servant,
CHARLES CARROLL OF CARROLLTON.

To the REV. JOHN STANDFORD, Chaplain of Humane and Criminal Institutions in the City of New York.¹

It was about this time that John H.B. Latrobe published Iris sketch of Charles Carroll of Carrollton, in Sanderson's *Biography of the Signers*. Mr. Latrobe writes in later years:

“After I had finished my work, I took it to Mr. Carroll whom I knew very well indeed, and read it to him, as he was seated in an arm chair in his own room in his son-in-law's house in Baltimore. He listened with marked attention and without a comment until I had ceased to read, when after a pause he said: ‘Why, Latrobe, you have made a

¹ Scharf's “History of Maryland,” vol. ii., p. 136, foot-note.

much greater man of me than I ever thought I was; and yet really you have said nothing in what you have written that is not true.' In my mind's eye I see Mr. Carroll now, a small attenuated old man, with a prominent nose and receding chin, small eyes that sparkled when he was interested in conversation. His head was small and his hair white, rather long and silky, while his face and forehead were seamed with wrinkles. But old and feeble as he seemed to be, his manner and speech were those of a refined and courteous gentleman, and you saw at a glance whence came by inheritance the charm of manner that so eminently distinguished his son, Charles Carroll of Homewood and his daughters Mrs. Harper and Mrs. Caton."

James Monroe published a pamphlet in 1828, addressed to the "people and government of the United States," sending a copy to Charles Carroll of Carrollton. The latter wrote the following letter of thanks in reply:

BALTIMORE, 23d April, 1828.

DEAR SIR:

I received a few days since, your friendly letter of the 18th instant, conveying your Memoir to the people and government of the United States. I have not yet had time to read the whole, but will, with all the attention the subject requires. From a passage in your letter I derive the hope of a personal interview, when we will discourse on the subjects detailed in your Memoir and on the transactions your letter has recalled to my recollection. In speaking of my services to our country, all that in truth I can; say is that you overrate them; they were, how-

¹ *Appleton's Cyclopædia of American Biography*, edition of 1888, art. on Charles Carroll of Carrollton.

ever, disinterested, persevering and confident of ultimate success. I remain with great respect,
dear Sir,

Your most humble servant,
CH. CARROLL OF CARROLLTON.

TO JAMES MONROE, Esq., late President of the United States, Aldie, Loudon Co., Virginia.¹

A compliment was paid to Charles Carroll of Carrollton in May 1828, by the House of Representatives in bestowing upon him the franking privilege. This is given him, said the Speaker, as a "token of distinguished respect and veneration which Congress entertains toward an early and devoted friend to liberty, and one who stood eminently forward in the purest and noblest band of patriots that the world has ever seen." Charles Carroll replied: "This privilege I consider an honorable approbation of the part I took in the Revolution, and commands my grateful acknowledgments and thanks."²

The 4th of July, 1822, was celebrated in Maryland by the laying the corner-stone of the Baltimore and Ohio Railroad by the Grand Lodge of Masons, in which ceremonies Charles Carroll of Carrollton bore a conspicuous part. The pick, spade, hammer and trowel that were to be used were all presented to Charles Carroll by the Blacksmiths' Association, and he wrote a letter to them July 15th, thanking them for an address they had made to him, and saying he had delivered these instruments to the directors of the road, to be employed in its construction. He adds:

¹ MS. Letter, D.McN. Stauffer, New York.

² Niles's Register, vol. xxxiv., p. 216.

“You observe that republics *can* exist, and that the people under that form of government can be happier than under any other. That the republic created by the Declaration of Independence may continue to the end of my fervent prayer. That protracted existence, however, will depend on the morality, sobriety and industry of the people, and on no part more than on the forming in our cities the greatest number of their most useful inhabitants.”¹

The implements here enumerated are still preserved and with the badge worn by Charles Carroll of Carrollton on on this occasion, were among the relics exhibited by the Baltimore and Ohio Railroad at the World’s Fair in Chicago. Charles Carroll was on the first Board of Directors of this, the first Railroad Company in the United States. In a letter to William Gibbons, written February 28th, 1829, Charles Carroll has something to say on the question then agitating England, of “Catholic Emancipation”:

“The Duke of Wellington’s letter to the R.C. primate satisfies me that the Roman Catholic will never be restored to equal rights with the rest of the King’s subjects until the British nation cease to be persecuting, the Church [becomes?] dispassionate and disinterested and the Protestant ascendancy in Ireland cease to be selfish. I am pleased with the Primate’s answer to the Duke’s letter. It speaks the language of truth; ‘you dare not from the fear of losing your place, hazard the attempt of getting an act passed which you think just, and conducive to the welfare of your country.’

¹ *Ibid.*, p. 346.

I am of the Primate's opinion; were the Emancipation act passed all the virulence of party and opposition would cease in a few weeks after its passage."¹

On the death of Bushrod Washington, Charles Carroll of Carrollton was elected president of the American Colonization Society, February, 1830. Charles Carroll was now obliged, from his impaired sight, to employ an amanuensis. Two letters of his are extant written in 1830, one to the Rev. Mr. Sprague, of Albany, giving an account of his genealogy, from which extracts have been made in previous chapters, and the other to the Superior of the Sulpitians, upon donating land and fifty shares of bank stock to St. Charles College, Howard County (formerly Anne Arundel). The corner-stone of St. Charles College was laid by Charles Carroll of Carrollton on ground which had been part of the Manor estate, July 11th, 1831. In the letter referred to, conveying the deed, Charles Carroll writes: "I request that mass be said once a month for myself and family.... That this gift may be useful to religion and aid our church in rearing those who will guide us in the way of truth, is the fervent prayer of your sincere friend, etc."² The College, with its imposing buildings and beautiful grounds, is today in a flourishing condition and one of its priests holds services regularly in the Chapel of "Doughoregan Manor," a walk of about a mile, after crossing the turnpike road, through the Manor park.

¹ New York State Library, Albany, N.Y.

² Records, Clerk's Office, Ellicott City, Md. Family papers, Rev. Thomas Sim Lee.

The Rev. Mr. Pise in his oration upon Charles Carroll, previously quoted, gives an interesting picture of him in these last years of his life. From 1822 to 1832 Mr. Pise had been honored, as he says, with the familiar acquaintance of Charles Carroll of Carrollton “and his delightful family.” He tells, from personal observation of this

“venerable and serene old age; of those rare virtues which adorned him, of his simplicity of heart and maner, urbanity, elegant hospitality, social intercourse with his friends, solicitude and care for his domestics and slaves, suavity, alacrity, charity, liberality, piety, religion, [to which] thousands can bear testimony. I have seen him.... spending his summers under the shade of those trees which his father’s hand had planted nearly a century and a half ago, and which *consociare amant* love to twine their hospitable boughs over the venerable mansion of ‘Doughoregan.’”

He then describes his manner of life in summer, enumerating the early rising, the cold bath, and morning ride on horseback, followed by prayers, or hearing mass in the chapel, if the chaplain was there. Later the hours given to reading his favorite English authors, Pope and Addison, and the other writers he had learned to love in his youth; the Greek and Roman classics, with volumes such as Wraxall’s *Memoirs*, Eustace’s *Travels in Italy*, of which he makes mention in some of his letters. He was fond, too, of French literature. His “conversations with the dead” were varied by conversation with his guests, the Manor seldom being without visitors.

Of the winter months spent with Mrs. Caton in timore, Mr. Pise writes:

“Nothing could be more delightful than the fireside character of this amiable Patriot. The social nature of the hearth and the blaze seemed to excite his spirits to an unrestrained flow of conversation, wit, hilarity and jocose entertainment. His old age was the very reverse of that of the generality of mankind, as described by Horace.... He found fault with none, and so far from being a *castigator minorum*, he displayed peculiar condescension, and evinced an especial partiality towards the young, in whose company he appeared to catch once more, all the fire and vivacity of youth.”

He loved to talk of the Revolution. This, says Mr. Pise, was his favorite topic:

“It was deeply riveted in his recollection, with all its details and all its dangers; often have I heard him with an eye flashing with enthusiasm, of the destitute state of the country, of the want of troops, of discipline, of ammunition, of everything, when the first Congress declared the Colonies independent. The members of Congress were all fresh in his memory. He would often describe the persons and characters of the leading personages of those days, and passages of their which had then made an impression on his mind, he remembered. ‘Were I to enter the Hall, at this period,’ I once heard him say, ‘and meet my associates who signed the instrument of our independence, I know them all, from Hancock down to Stephen Hopkins.’”

He read his beautiful editions of the classics, Pise, up to his ninety-third year.

“I once entered his study, and found him intently absorbed in meditating the treatise of Cicero on old age. He entered on a highly entertaining and critical discussion on the subject of the philosophic writings of that extraordinary Roman. He seemed to turn with inexpressible satisfaction to some passages of the treatise he was perusing; and dwelt with a deep feeling of the wisdom of it, on the admirable sentiment, following the line cited from Ennius.

Nemo me lachrymis decoret neque funera fletu

Faxit

Non censet lugendam mortem, quam immortalitas consequatur.

‘After the Bible,’ he added, with his peculiar earnestness vivacity of manner, ‘and the *Following of Christ*, give me, Sir, the philosophic works of Cicero.’”¹

It is a peculiarly appropriate circumstance that last letter known to be extant, written by Carroll of Carrollton, was penned on the of the proposed celebration in Baltimore of centennial of Washington’s birthday. It fitly closes the correspondence of the aged patriot, linking the final months of his life with the patriotic past of which he had been a part.

BALTIMORE, 20th Feb., 1832.

I.J. COHEN, Esq.

SIR:

I have a pleasure in acknowledging the receipt of your acting as chairman of the General Committee for celebration of the centennial anniversary of the late

¹ Oration of Rev. Constantine Pise, D.D., Georgetown, 1832. Printed by Joshua N. Rind.

General Washington. I am sensible of the honor done me by the Committee, and would gladly accept the invitation, did my health admit of it. I have been confined to the house for many weeks, and altho' I have regained my health I should be afraid of exposure to a cold air. The event you are about to commemorate must be felt by every individual who loves his country and who can appreciate the blessings it enjoys. To General Washington mainly belongs under the protection of Providence, blessings, and I have in unison with my fellow-country-men offered up my prayers to that Providence which sustained us, and my gratitude to the memory of the man whose virtues so ably maintained the struggle that created us into a Nation, and by whose wisdom it was fostered, and now flourishes.

Accept my respectful thanks and consideration, to yourself and the Committee, and believe me to be

Your obedient humble servant

CH. CARROLL OF CARROLLTON.¹

The "Young Men's National Republican Convention" met in Washington on the 11th of May, 1832, and passed resolutions outlining their position on the political questions of the hour, the re-election of Jackson, and advocating Henry Clay as their candidate for President. They appointed a committee consisting of one delegate from each of the States they represented, and from the District of Columbia, to express to Charles Carroll of Carrollton, "the last surviving Signer the Declaration of Independence, the high sense entertained by the members of this convention, of

¹ MS. Letter, Miss M.A. Cohen, Baltimore.

the virtues of himself and associates and of their labors in the great cause of national union and independence.” The committee went to Baltimore and upon Charles Carroll in person, being introduced to him separately by Brantz Mayer of Maryland, their chairman. Mr. Mayer delivered an address, and an eloquent letter was read from the three hundred young men composing the convention.¹ Charles Carroll must have been deeply touched by this tribute of youthful enthusiasm, the last public ovation he lived to receive. And in returning verbally his thanks to the delegation he closed the dramatic episode, where the Past and Future clasped hands, Carroll the Federalist saluting Clay the Whig. But there was another party still more significant of the future of his section and of his descendants, which was to hold a convention a little later and to put on record its appreciation of Charles Carroll of Carrollton. While the convention of South Carolina, called to pass the Ordinance of Nullification, was in session, intelligence reached them of the death of Carroll. They immediately, by a unanimous vote, passed resolutions of regret, and the members were instructed to wear the usual badge of mourning, crape on the left arm, for thirty days.²

On the 14th of November, 1832, came the last.

¹ Niles's Register, vol. xlii., p. 236. It is interesting to note that Brantz Mayer lived to write the Memoir of Carroll for the "Centennial Memorial" of 1876.

² *Ibid.*, vol. xliii., p. 299. Congress put on mourning for Carroll three months, a tribute hitherto paid only to Washington.

scene in this remarkable life, when full of years and full of honors Charles Carroll of Carrollton was gathered to his fathers. Of his last illness the Rev. Mr. Pise writes:

“He met his end like a philosopher and a Christian. As long as I possess the power of memory I shall never forget the interview which I had with the dying patriot, a short time before he sank in death. He was seated on a couch, in the room in which he had been accustomed to receive his familiar friends; his daughter hung in deep grief over one side, and his granddaughter watched by the other, in tears; he was at the moment of my entering in a state of lethargy, but he soon awoke from it, and, on my being made known to him, ‘You find me very low,’ he whispered, ‘I am going, Sir, to the tomb of my Fathers.’ The earnest expression, the calm resignation, the amiable conviction, with which he uttered this sentiment, displayed his character as a philosopher, as much, perhaps, as any act or saying of his past life. And when he found that the ladies melted with grief, he endeavored to turn their attention from the approaching catastrophe by jesting about his physicians, whom he facetiously styled his Esculapiuses.”¹

One of these physicians, Dr. Richard Steuart, thus describes the death of Charles Carroll of Carrollton:

“It was toward sundown in the month of November, and very cold weather. In a large room—his bed-room—a semicircle was formed before a large, open fire-place. The venerable old man was in a large easy-chair; in the center, before him, a table with blessed candles, an an-

¹ Oration, by C.C. Pise, Georgetown, 1832.

tique silver bowl of holy water, and a crucifix; by his side the priest, Rev. John E. Chaunce, President of St. Mary's College and afterwards Bishop of Natchez,—in his rich robes, about to offer him the last rites of the Holy Catholic Church. On each side of his chair knelt a daughter and grandchildren, with some friends, making a complete semicircle; and just in the rear, three or four old negro servants, all of the same faith, knelt in the most venerating manner. The whole assemblage made up a picture never to be forgotten. The ceremony proceeded. The old gentleman had been for a long time suffering from weak eyes, and could not endure the proximity of the lights immediately before him. His eyes were therefore kept closed, but he was so familiar with the forms of this solemn ceremony that he responded and acted as if he saw everything passing around. At the moment of offering the Host he leaned forward without opening his eyes, yet responsive to the word of the administration of the holy offering. It was done with so much intelligence and grace, that no one could doubt for a moment how fully his soul was alive to the act."

The narration of Dr. Steuart then enters into the little details illustrating his piety, his unflinching courtesy. When pressed to take food after his long fast,

"in the most gentle and intelligent manner he replied, 'Thank you, Doctor, not just now; this ceremony is so deeply interesting to the Christian that it supplies all the wants of nature. I feel no desire for food.' In a few moments more one of his granddaughters and the doctor lifted him from the chair and placed him in his bed. He said to them, 'Thank you; that is nicely done.'"

When again urged to take some nourishment, he refused, and soon after fell into a doze. While sleeping, his position seemed to become uncomfortable, and the doctor lifting him to an easier one, he looked up and, seeing who it was, said, "Thank you, doctor." These were his last words. "It was after midnight, the hour not exactly remembered, when the vital spark went out without a struggle, he breathing as calmly as if falling into a gentle sleep."¹

Doubtless it was some time in this, his last illness, and he had been for weeks "declining from ossification of his heart and the debility of old age," that he gave utterance to the sentiments recorded by the Rev. Mr. Pise, and often quoted as the "last words" of Charles Carroll of Carrollton:

"I have lived to my ninety-sixth year; I have enjoyed continued health, I have been blessed with great wealth, prosperity, and most of the good things which the world can bestow—public approbation, esteem, applause; but what I now look back on with the greatest satisfaction to myself is, that I have practiced the duties of my religion."

¹ *Appleton's Journal*, September 19, 1874. *Magazine of American History*, February, 1878, articles by J.C. Carpenter.

APPENDIX C.

CARROLL WILLS, 1718, 1728, 1780, 1831.

APPENDIX D.

GENEALOGICAL NOTES.

APPENDIX C.

CARROLL WILLS.

WILL OF CHARLES CARROLL.

In the name of God, Amen.

I Charles Carroll of Anne Arundell County, being at the writing hereof in perfect health of Body, and of sound mind, memory and understanding, but taking into serious consideration the frailty and uncertainty of this Life, and being designed by God's divine permission to make a voyage into Europe speedily, and willing to leave my worldly affairs in the clearest and best condition which my circumstances will admit of, in order to prevent all disputes or misunderstandings that may by any means arise betwixt my loving wife, children or Relations after my decease do make and ordain this to be my Last Will and testament in manner and form following, hereby revoking, annulling and making void all former Wills, testaments or other Codicills heretofore by me made, and declaring this to be my last Will and Testament.

Imprimis.

I Give and Bequeath my Soul to God who gave it, my body to the Earth, hoping that through and by the merits, sufferings, and mediation of my only Savior and Redeemer Jesus Christ, I may be admitted into the heavenly Kingdom prepared by God for those who love,

fear and truly serve Him, and as to the worldly possessions, Estate and Goods which God of His infinite bounty far above my deserts hath been pleased to bestow upon me, I give and bequeath as followeth, vizt.:

I order all my just debts to be paid, &c.

I give such poor people of this Province, as shall be thought by my Trustees, hereafter named, the fittest objects of Charity, the quantity of five thousand pounds of Tobacco, to be forthwith as the season will admit, paid out of the best and securist of my Debts and disposed pursuant to the Direction of the said trustees or the Survivors of them for the best advantage and relief of such poor whose prayers I beg for the repose of my Soul, in case there be no ready tobacco debts due at the time of decease, the [same] to be paid them in money at a penny pr pound. I likewise give to the poor of this town the sum of ten pounds to be distributed the day of my burial or otherwise when my death's known.

Item.—I give unto my said trustees ten thousand pounds of tobacco and twenty pounds sterling to be disposed to such charitable uses as I shall direct.

Item 3.—I give and devise unto my loving wife Mary Carroll all my houses-hold goods, bedding, linen, woolen, brass, pewter Iron, Chests, Chest of Drawers, tables, chairs, cheney, glass, looking glasses, and Generally all utensils of household stuff that shall be in use at my dwelling house at Annapolis at the time of my death, my plate excepted, which I hereby give to my three Sons, to be equally divided between them, as they respectively come to age; and also excepting my after [altar?] plate which I give solely to my son Henry, but my will is that my loving wife have the keeping and use of Charles and Daniells part's of the said household plate 'till my said Son Charles come to age, and likewise

the keeping and use of my son Daniell's part while she lives.

Item.—I likewise devise unto my said loving wife during her lifetime my tract of Land in Prince Georges County called Enfield Chace, containing about sixteen hundred Acres.

Item.—I likewise devise to my said wife my dwelling at Annapolis during her life, but if my Son Henry shall agree to build her such a house as she shall like, on such part of Enfield Chase as she shall direct, then he to enjoy my said dwelling house as my heir at Law. And I hereby devise and appoint that my Executors, or any of them, place thereon at convenient quarters to the good liking of my said wife, fifteen able Negro Slaves to be at the direction of my said wife, her overseer or overseers to make Crops of Corn, tobacco grain, or do any other labor or work whatever they shall be set about, and the produce to be for the sole use of my said wife, her Executors and Administrators, and in case of the death or disability of any of such slaves at any time during my wife's life, I do will and appoint my Ex^{ers} put another in his or their place, and keep the number complete while my said Wife lives, and after her death that such negroes be divided amongst my Executors, and this provision I make for my wife in full compensation for her Dower of my Real Estate and *rationabile parti bonorum* of my personal estate. I further give unto my wife my Chariot and Horses with all it's furniture thereunto belonging.

Item.—I will order and appoint that until Enfield Chase be sufficient to raise stock enough to support itself that my Executors furnish from some other of my plantations what it falls short of a reasonable subsistence for the Slaves, and that in case my wife shall think fit to con-

tinue her habitation at Annapolis she shall have during such her continuance the use of my old Plantation and such stock as shall be thereon at the time of my death, making good the principal, as also free wooding for her house on any part of the said Land. And for a further addition towards a decent maintenance for my said Wife I give her one thousand pounds sterling to be paid by my Executors in six months after my death, and do therewith as she shall think fit.

Item.—I also give and bequeath unto my said wife for her better support the rents of my houses and Lots at Annapolis during her widowhood, except the Lots herein named vizt the house and Lot I bought of Mr. Wornell Hunt, which I hereby devise unto my son Charles and the Heirs of his body lawfully begotten, and my market house Lot which I give to my son Daniell and the heirs of his Body lawfully begotten, my Lot bought of William Taylord which I give to my Daughter Mary and the heirs of her body lawfully begotten, and the lot whereon Edward Smithe lives which I give to my Daughter Elianor and the heirs of her body lawfully begotten.

Item.—I also give unto my said two Daughters Mary and Elianor one Moyety of my tract of Land of twenty thousand acres, intended to be laid out for me on Potomack to have and to hold five thousand acres thereof to my Daughter Mary and the heirs of her body gotten, and for want of such heirs, to her sister Elianor and the heirs of her body lawfully begotten, the other five thousand acres I devise to my daughter Elianor and the heirs of her body lawfully begotten, and for want of such, to my daughter Mary, and the heirs of her body lawfully begotten, and if both my said Daughters should die without Issue, or enter into religion, then the remainder to descend to my heir at Law.

Item.—I likewise give unto each of my said two Daughters one thousand pounds sterling to be paid respectively at their ages of sixteen years, or days of marriage; and in the mean time the Interest of their money to go towards their maintenance, and in the case of the death of either of them before their respective age of sixteen years, or marriage, then I devise the portion of that so deceasing to the other sister, and in case of both their deaths before the said age or marriage, then I give the said two thousand pounds to my Executors, and in case my said Daughters should not prove dutyful to their mother and my trustees hereafter named and marry according to the directions of them or ye survivor of them, then I leave them to the discretion of their said mother, and my said trustees as to their fortunes.

Item.—I give devise and bequeath unto my two Sons Charles and Daniell all my lands in Baltimore County, except those hereinafter expressed wherein I have an absolute Estate in fee simple, and which are free from conditions, limitations or Equity of redemption on payment of money, as also all the land which at any time during my life I may take up or purchase in fee simple in the said County, to have and to hold unto my said sons Charles and Daniell, viz. the one Moiety thereof unto my son Charles and his heirs forever, and the other Moiety thereof to my son Daniell and his heirs forever, to be equally divided share and share alike.

Item.—I devise unto my four kinswomen Elinor Boyd, Margerett Macnamarra, Joyce Bradford and — Maccoy my tract of land in Baltimore County called Encles good will, to be equally divided betwixt them and their heirs forever, and to my kinswoman Johanna Crocksdell five pounds current money, and to my kinsman Major John Bradford six pounds to buy him a mourning suit. In

case any gift or legacy be made to my wife during my life, or that any divisional part of the estate of any parent or Relation fall to her in that time, my will is that it be reckoned no part of my Estate, but do hereby give the same to my said Wife, to be disposed of as she shall think fit.

I give unto my loving kinsmen Thomas Macnemara, James Carroll, William Fritzredmond, Charles Carroll, Dominick Carroll, Michael Taylor and Daniel Carroll the sum of six pounds each to buy them mourning.

WHEREAS I now have several sums of money out upon mortgages and bills of Sale for negroes, and other personal goods and probably may have others at the time of my decease, I do therefore hereby give and devise the same to my Executors and their heirs towards payment of what just debts I shall owe at the time of my Death and for payment of my Legacies and gifts aforesaid, and all the rest, as also all my personal estate whatsoever, whether consisting of negro slaves, horses, cattle, ready money, money in England in the hands of any of my correspondents, or of any other denomination or kind whatsoever be the same in money or tobacco debts, outstanding or reduced into possession, I give and bequeath to my said Executors equally to be divided between them share and share alike, and I do hereby nominate, ordain, constitute and appoint my three Sons Henry, Charles and Daniell and ye survivors of them to be Executors of this my last will and testament, and I further appoint that my loving Brothers-in-law Mr. Henry Darnall, Mr. Benjamin Hall, My Kinsmen Mr. James Carroll and Daniel Carroll to be overseers and trustees thereof to see the same punctually observed and fulfilled and in case of the absence or inability of my Executors to take the Execution thereof upon themselves according to the true intent and meaning thereof, and for the use

therein mentioned, hereby Earnestly recommending to them by their good advice and instructions to recommend my said Executors virtue, sobriety and a decent frugality, and retain [restrain?] as much as possible can be the extravagancy incident to youth.

I do hereby revoke, annul, cancel and make void all former wills, testaments, or codicils by me made, and declare this to be my only last Will and Testament, and no other this first day of December, one thousand Seven hundred and Eighteen

CHARLES CARROLL.
[SEAL]

Signed, Sealed declared and published the day and year aforesaid, in the presence of

Luke Gardner
Jacob Henderson
D. Dulany
John Gresham
Thos. Stewart.

On the back of the aforegoing Will was thus endorsed viz.

July the twenty-eighth, seventeen hundred and twenty. The Reverend Jacob Henderson and John Gresham Esq. two of the evidences subscribing the within Will make Oath that they saw Charles Carroll Esq. the within testator seal the within instrument as his last Will and Testament, and that he published and declared the same so to be, and that at the time of his so doing he was of sound and perfect mind and memory, but that to the best of their remembrance they did not see him subscribe the same, his name being writ to the seal before they see it, but that they are well acquainted with his handwriting, he acknowledging it so to be before them before me

TH. BORDLEY COM^{RY} GEN^{RL}.

Eodem Die

Mr. Henry Darnall Mr. Jas. Carroll Mr. Daniell Carroll three ex^{trs} of the within Will mentioned make Oath that they do not know of any later Will or Testament made by the said Testator in his lifetime but believe this to be his last Will and Testament,

before me

TH. BORDLEY COM^{RY} GEN^L.

Likewise Madame Mary Carroll the Widow of the Deceased makes oath as above the same Day, and also declares her consent to, and acceptance of the legacies and Devises in the within will, and that she is well Satisfied therewith in lieu of any other claims she might have against the Deceased estate according to Act of Assembly.

TH. BORDLEY COM^{RY} GEN^L.

Vide further probate to this will in Lib. C.C. No. 3, folio 293, anno 1731.

WILL OF JAMES CARROLL.

In the name of God, Amen.

I James Carroll of Tingaul in Alhallows Parish in Ann Arundel County being through the Mercy of God in perfect Health, do declare what follows to be my last Will and Testament, hereby revoking all other wills heretofore by me made. First I humbly Recommend and give my soul unto my heavenly Father through whose Mercy and the Merits of Christ Jesus I most humbly hope for eternal happiness.

Item.—I desire that all my just debts (which are few and small) be punctually paid.

Item.—I give to forty such poor mendicants of and in the parishes of English and Lorrh in lower Ormund in

the County of Tipperary in the Kingdom of Ireland as my Executors or such as they or the Major part of them shall appoint to distribute the same, shall deem proper objects of charity, the sum of ten shillings Irish money a piece.

Item.—I give to such twenty poor people in this parish of my Residence, and the Parish where my Quarters are in Prince Georges County such as my Executors shall judge to be in necessity, two Barrels of Indian Corn a piece at times at their Discretion, within four years after my decease, to be delivered if applied for at my dwelling place, or Carrollburgh, or part at one, or part at another, at the discretion of the proprietors of those places. I desire that such of my apparel as may be fit (and not indecent) for my slaves to wear, may be given to such of them as are honest, and have a sense of Christian dutys, as Tomboy, Jack, Jerrey, Dick etc. And that means may be used (at the discretion of my devisee) to Instruct them all in the Christian Doctrine.

Item.—It is my Will and desire that with all Convenient Reasonable speed my Debts be received or secured after the best manner my Executors can. I empower my Executors, or the Major part of them, to sell and dispose of all my Lands in Baltimore County, my Lands in Somerset County, all my Lands in Calvert County, also all my Mortgages and Bills of Sale with Conditions for Redemption. Also my two Lots in Annapolis, lying near the head of the Creek, and which I bought of Mr. John Hammond—the neat produce or amount of my Debts aforesaid, the sale of my Lands, Lots, Mortgages, and bills of sale aforesaid, I dispose of and in the following manner: *Imprimis*, I appoint that out of it and my money Lodged, or that shall be in the London Merchants hands (which is to be understood as part of

my outstanding debts) my debts be satisfied, after which I desire and appoint one thousand pounds sterling of the produce aforesaid be applied towards the Education of my Nephew and heir apparent Anthony Carrol, my Brother Daniel's only son, to be laid out in the manner hereinafter mentioned, that is to say, one hundred pounds sterling to be laid down in consideration of all charges in going through his lower studies, and (at the discretion of my Executors, or the survivors of them) such sums annually afterwards as may enable him to go through his higher studies, and so on through a course of the study of Law or physick. But physick Rather, as it may afford the least temptation to change his Religion. And in Case my nephew shall die or prove unsusceptive of Learning, or prove Incurrigible, or want application in any of the courses aforesaid before he attains to Twenty one years—then it is my Will and I do require my Executors to discontinue the application of money to his education, or if he prove vicious, to also discontinue. In which cases It is my Will that the money designed for his education be applied to the education of my Nephew James Carroll, son of my brother Michael if he shall not exceed sixteen years of age at my Death, but if he shall, to be laid out on such one of his brothers as shall not be sixteen years at the time of my death. I do recommend to my Executors to place the one thousand pounds sterling after a secure manner at Interest so as the Interest may defray the ordinary annual stipends necessary to be expended for his education. And further it is my will that in case any friend or Guardian hinder or obstruct the Childs being educated in such place and after such manner as my Executors shall think fit, that in such case the money be not laid out on him, but be applied as in case of his Death as above. And

lest any dispute should hereafter arise about this point between my said cosin Anthony or his guardian and my Executors, so great is my confidence in my Executors that I leave it to them to apply the said thousand pounds and its interest at their choice to my Nephew James or Anthony, It being my will that whatsoever Child or Children of my Brothers receive benefit by this will be, until they go and pass through their studys already mentioned, at the Intire direction of my Executors, or the survivors of them. It is my Will in case my Nephew Anthony aforesaid Live and do not forfeit my good Designs for him by any the means above mentioned, that after his passing through his studys aforesaid, he have the thousand pounds aforesaid, or so much as shall remain unexpended on him. I give to my Cosins Dominick, Anthony and Daniel Carrolls, sons of my brother Michael, five hundred acres of land each to them—severally and their Heirs and assigns severally forever out of a Tract of Land called pork Hall, lying at pipe creek, the remaining nine hundred and eighty I bequeath to my sister Johanna Croxell, and my cosin Mary Higgins, to them and their Heirs severally forever. Notwithstanding what is already said with Relation to my Lands in Baltimore County, I bequeath to my Cosin Michael Taylor my tract of land called Bin containing about seven hundred and odd—Acres, to him and his heirs forever. My land called the Hop yard I bequeath to my Cousins Edward Tully and Michael Tully's two sons, that is to say one half to Edward, his heirs and assigns, the other half to the aforesaid two sons their Heirs and assigns. It is my will that the survivors of my Executors may act and do what all my Executors are empowered to act or do by my will. I bequeath to my Cosin Anthony Carroll now with me, two Negroes viz Henry and Mary, to be

delivered if alive, to him the tenth of October after my decease the better to enable him to seat his five hundred acres of land, which is to be laid out in a convenient form where he shall think fit to seat if he settles first; I bequeath to my sister Johanna my two Negroes James and Daniel, provided she, her husband and their Family, or the survivors of them will remove to and settle on the above five hundred acres to her given, to be delivered to her, if alive, the 10th of October after my decease, provided they go and seat the land as aforesaid the same fall. And it is my Will that the Residue (after the thousand pounds as aforesaid bequeathed to my Cousin Anthony Carroll son of my Brother Daniel), of what my standing Debts, Money in England, Bills of Exchange remitted, Tobacco remitted or to be remitted or housed, Lands, Mortgages and Bills of Sales, or other securities shall amount to, I give and appoint to be disposed of as follows. That is to be laid out and expended on the education of such two of my Brother Michael's Sons as are under and nearest fifteen years of age at my death.

Having sold to George Jeams a piece of Land, another to Francis Day for which I am paid, I authorize my Executors, or any two of them to convey them to the said George and Francis according to agreement. I've also sold two hundred acres, part of pork Hall, to George Roberts—I empower my Executors, or any two of them, on receiving the consideration money to make the Land over to him. *I bequeath to my very dear Cousin and Godson Charles Carroll the the ps. or parcel of a Lot of Ground given me by him and his mother, also the Lot adjoining thereto, lying partly between the same and half a Lot bought of Benjamin Tasker Esq. and whereon my new house is, also the aforesaid half Lot bought of Mr. Tasker, all lying adjoining one to the other in the City of Annapolis, unto him*

*the said Charles his heirs and assigns forever.*¹ I also bequeath unto the said Charles my dwelling place consisting of two parcels of Land containing about four hundred and sixty acres. Also what remains unsold of Bright Seat and Ayno near Petuxent, above the head of South River in Ann Arundel County, also my Lands called Carrols Burgh, Chenys plantation, and about sixty acres, part of Ridgely and Tylors Chance, in all upwards of two thousand acres lying in Prince George's County, also my two Lots in Queens Anne Town, and two parcels of Land near the said Town, one bought of Thomas Lancaster, the other of Turner Wootten, lying in the said county. I bequeath and give unto him the said Charles his Heirs and assigns forever, also all my servants and slaves, household stuff, goods, and chattles and personal estate whatsoever, or wheresoever and of what denomination soever, not before disposed of in and by this will, unto him the said Charles and his assigns forever. I desire there be one hundred pounds sterling laid down and paid for my nephew James, his education in his lower studies, and that there be paid to bear his expenses to London in order to be sent thence to School where my Executors shall order, fifteen pounds sterling more, all which, as well as my debts, to be paid out of my money in England, outstanding debts, lands and mortgages, Bills of Sale, tobacco housed, shipped or ready to be shipped designing no Diminution whatsoever to be made of my General Devise to my Cousin Charles Carroll. I appoint my cousin Anthony my heir at Law, and my aforesaid cousin James, my joint Executors, and during their minority and absence, cousin and Godson Charles Carroll, Mr. John Diggs, Mr. Francis Hall, and my cousin Doctor Charles Carroll of Annapolis, Executors of this

¹ These italics are not in the original will.
VOL. II—25

my last will and testament in testimony whereof I have hereunto Set my hand and seal this twelfth day of February one thousand and seven hundred and twenty eight, in the presence of the Witnesses thereunto subscribed.

JAMES CARROLL.
[SEAL]

Witnesses that the same was signed and sealed and declared as his Will in presence of us.

SAMUEL CHEW of Maidstone
RICHARD HILL
WM. RICHARDSON
AND. TAILE

On the back of the foregoing will was thus endorst, viz.

June 27th, 1729.

Then came Doctor Richard Hill, one of the subscribing evidences to the within will, who takes his test in usual form (being one of the people called Quakers) that he saw the within named James Carroll the testator sign and seal the within Instrument as his Last Will and testament, and at the same time heard him publish and declare the same to be, and that at the Time of his so doing he was of sound disposing mind and memory to the best of his knowledge, and he further affirms that he signed as an evidence in the presence of the Testator.

Affirmed to before me the day and year above

JOHN BEALE, DEPUTY COM^{RY},

A.A. County.
July 24th, 1728.

Then came Doctor Samuel Chew of Maidstone, one of the subscribing evidences to the within will who takes his test in usual form, (being one of the people called Quakers) that he saw the within named James Carroll the Testator sign and seal the within instrument as his last will and testament, and at the same time heard him publish and declare the same so to be, and that at the time

of his so doing he was of sound disposing mind and memory, to the best of his knowledge, and he further affirms that he signed as an evidence in the presence of the Testator, and that the other evidences to the within will signed as Evidences thereto at the same time.

Affirmed to before me the day and year last mentioned.

JOHN BEALE, DEPUTY COM^{RY},

A.A. County.

Whereas I James Carroll of Allhallow's parish at South River hundred in Ann Arundel County, have by my Last Will and Testament, bearing date the twelfth Day of this Instant February Anno Doni, 1728 Bequeathed unto my cousin Charles Carrol a certain part of my estate, In trust and confidence that he would invest therewith my Good friend Mr. George Thorold of Portobacco, in Charles County, But through apprehen[sion] of the said Charles Death I do by this Codicil which I desire and require to be deemed and taken as part of my Last Will and Testament, Confirm and Give unto the said George, what I expected and do not doubt the said Charles would give pursuant to my instruction if Death or other accident did not interpose Hereby confirming my former Will in all respects except the following clause, which I do hereby rescind annul and make void as to the said Charles his heirs, executors and administrators. It is thus expressed viz—I also bequeath unto the said Charles my Dwelling Place consisting of two parcels of Land containing about Four hundred and sixty acres, also what remains unsold of Bright seat and Ayno near Patuxent, above the head of South River in Ann Arundel County, also my lands called Carrollsburgh, Cheneys Plantation, and about sixty acres part of Ridgely and Tylers Chance, in all upwards of two thousand Acres lying in Prince Georges County. Also my two Lots lying in Queen

Anns Town, and two parcels of Land lying near the said Town, one bought of Thomas Lancaster, tother of Turner Wooten lying in the said county, also all my servants and slaves, Household stuff, goods and chattels and personal estate whatsoever or wheresoever and of what Denomination soever, all which I give and bequeathed to the said Charles, his heirs and assigns forever. But now by codicil do hereby give, devise and bequeath the aforesaid Lands goods and chattels in as full and ample manner unto the aforesaid George Thorold, his heirs and assigns forever, as the same are bequeathed to my Af^{sd} Cousin, and do hereby give and bequeath the aforementioned Lands and the goods and chattels aforesaid unto the said George Thorold, his heirs and assigns forever. And in case of his Death before me then I bequeath the aforesaid Lands, and Goods, Chattles unto my very good friend Mr. Peter Attwood of Portobacco aforesaid, his heirs and assigns forever. And in case of both their Deaths before mine, then I bequeath the aforesaid Lands & Goods & chattles unto Mr. Joseph Greaton his heirs and assigns forever.

In witness whereof I have hereunto set my hand and seal this seventeenth day of February one thousand, seven hundred and twenty-eight.

JAMES CARROLL.

[SEAL]

Signed, sealed published and declared as a Codicil to his last will in the presence of us

JOHN WALCH ANTH. CARROLL

his

JOHN B. GALLOKER

mark.

On the back of the foregoing Codicil was thus endorsed

June 27, 1729.

Then came John Welsh and John Galloker, two of the subscribing evidences to the within Instrument, who makes Oath upon the Holy Evangelist of Almighty God that they see the within named James Carroll, the Testator sign and seal the within Instrument as a Codicil or part of his last Will and Testament, and at the same time heard him publish and Declare the same so to be, and that at the time of his so doing he was of sound disposing mind and memory to the best of their knowledge, and that they signed as evidences to the within Instrument in the presence of the Testator.

Sworn to before me the day and year above

JOHN BEALE, DEP^{TY}. COM^{RY}.,

A.A. COUNTY.

July 15, 1729.

Then came John Galloker and also made Oath on the Holy Evangely of Almighty God, that Anthony Carroll, one of the evidences to the within instrument or codicil, signed as an evidence thereto at the same time with the said John Galloker, in the presence of the Testator.

Sworn to before me, the day and year last mentioned.

JOHN BEALE, DEPUTY COM^{RY}.,

A.A. COUNTY.

July, ye 21st, 1729.

Then came John Walch and also made oath on the Holy Evangelists of Almighty God, that Anthony Carroll, one of the Evidences to the within Instrument or Codicil signed as an evidence thereto at the same time with the said John Walch in the presence of the Testator.

Sworn to before me the day and year last mentioned

JOHN BEALE, DEPUTY COM^{RY}.,

A.A. COUNTY.

LAST WILL AND TESTAMENT OF CHARLES
CARROLL OF ANNAPOLIS.

1780–1782.

In the name of God, Amen.

I, Charles Carroll of Anne Arundel County, at the writing hereof in perfect health of body and of memory and understanding, for which I thank God, do make and ordain this my last will and testament in the manner following.

Imprimis, I order all my just debts to be paid, which are but few and small. 2nd. I order my body to be buried as privately as possible consistently with decency. 3rd. Whereas my nephew Charles Carroll and his sisters Eleanor and Mary are entitled to a moiety of several lands, as may appear by my father's will, I do hereby empower my executor hereinafter named, to sell all the said lands which I have not already sold and accounted for, and to pay one moiety of the proceeds to the representatives of my said nephew Charles Carroll and his sister Eleanor, and to his sister Mary, my niece.

4th. Whereas my cousin Rachell Darnall always behaved very dutifully to my late wife, her aunt, and in her last sickness was very tender of her and tended her with the greatest care and affection and has by a long residence with me merited my esteem and affection, I bequeath to my said Cousin Rachall Darnall thirty pounds sterling to be paid her in three months after my death. I also bequeath to my said Cousin Rachell Darnall thirty pounds sterling a year during her life, the first yearly payment to be made in twelve months after my death.

Item, all other my estate both real and personal of what kind or nature soever not herein before bequeathed,

with all my lands, houses, etc., now in my possession or which I shall purchase before my death, I give and bequeath unto my son Charles Carroll by my late wife Elizabeth Brooke, the daughter of Clement Brooke, Esq.; to him I say I bequeath them and to his heirs forever in simple.

7th, I constitute and appoint my son Charles Carroll whole and sole executor of this my last will and testament.

8th Item, I do hereby nominate, constitute, and appoint my said son Charles Carroll my whole and sole executor to prove this my will in the Commissary's office by the subscribing witnesses thereto for passing my lands and real estate as herein before mentioned and to entitle himself to Letters Testamentary thereon to enable himself to recover what may be due to me and that he then also give good and undoubted security for his performance of this will, and payment of all my debts, for which purpose I desire he will have undersign an admission of assets but by no means to lodge any inventory or list of debts or to pass any account of my estate in any public office.

9th, Lastly I declare this to be my last will and testament and I hereby revoke all wills by me heretofore made. In witness whereof I have hereunto set my hand and seal this nineteenth day of June Anno Domini, one thousand, seven hundred and eighty.

CHA: CARROLL.

[SEAL]

Signed, sealed, published, and declared by Charles the Testator to be his last Will and testament in the presence of us the subscribers,

EDWD. GAITHER, JR.,
REUBEN MEREWETHER,
THOMAS DORSEY,
RIDGELY WARFIELD.

At the foot of the foregoing Will were the following endorsements to wit:

Anne Arundel County Sct., the 5th day of June, 1782, Then came Edw^d Gaither Jr, Thomas Dorsey and Ridgely Warfield three of the subscribing witnesses to the within last will and testament of Charles Carroll late of Anne Arundel County deceased, and severally made oath on the Holy Evangely of Almighty God, that they did see the Testator therein named sign and seal this will, and that they heard him publish, pronounce and declare the same to be his last will and testament, that at the time of his so doing he was to the best of their apprehension, of sound and disposing mind, memory and understanding; and that they respectively subscribed their names as witnesses to this will, in the presence and at the request the Testator, and in the presence of each other, and that they also saw Reuben Meriweather subscribe his name as a witness to this will in the presence of the Testator and at his request.

Certified by THOS. GASSAWAY,
Reg. Wills, Anne A. County.

Anne Arundel County Sct. June 5th, 1782, Came Charles Carroll of Carrollton the executor appointed in the within will and made oath on the Holy Evangely of Almighty God that the within instrument of writing is the true and whole will and testament of Charles Carroll late of Anne Arundel County deceased, that hath come to his hands or possession; and that he doth not know of any other made since.

Certified by THOS. GASSAWAY.
Reg. Wills, Anne A. Co^{ty}.

Maryland, Anne Arundel County, Sct:

I hereby certify, that the within and foregoing Will of Charles Carroll is truly copied from Liber T.G. No. 1,

folio 106, out of the Will Record Books in the office of the Register of Wills for Anne Arundel County aforesaid. In testimony whereof, I hereunto subscribe my name and affix the Seal of the Orphans' Court for Anne Arundel County, this 18th day of October, A.D., 1883.

Test:

JOHN W. BRASHEASS,
Register Wills, A A. County.

WILL OF CHARLES CARROLL OF
CARROLLTON.

State of Maryland:

I, Charles Carroll of Carrollton, of Anne Arundel County, in the said State, do make this my last will and testament, in manner following, hereby revoking all former wills and codicils by me made, that is to say :—

To my Grandson Charles Carroll and his Heirs, I devise all my Island in Chesapeake Bay, called Poplar Island also all my Lots and Houses in the City of Annapolis, (except the houses and Lots hereinafter devised to daughter Mary Caton), also all my Estate, Plantation, or tract of Land in the vicinity of Annapolis, called “the Farm,” with the two adjoining Tracts of Land called Edges advance, and Edges addition, and all my tract of Land in Anne Arundel County, on the road from Annapolis to Elk Ridge, called “part of Trusty Friend,” or the Half-way House; I also devise to him for his life without impeachment of waste, my Manor in Anne Arundel County, called Doughoragen Manor, or Doughoragen Manor enlarged, with all my Lands adjoining thereto; and after his death to his eldest Son, lawfully begotten whom may leave alive, or in *ventre sa mere* at the time of his death, and to the Heirs of such eldest Son for ever; and

in case my said Grandson should die without leaving any son then alive, or of whom his wife may be then pregnant, I then devise all my said Manor and adjoining Lands to his eldest legitimate male descendant in the eldest male line who may then be alive or in *ventre sa mere*, and to the Heirs of such eldest male descendant for ever; and in default of such legitimate male descendant of my said Grandson in the male line, I then devise all my said Manor, and adjoining Lands to my daughters Mary Caton and Catharine Harper, and their Heirs as tenants in common and to the children, grand children, and descendants of my deceased Son Charles Carroll, and their Heirs as tenants in common in such manner as that each of my said daughters shall have each an equal third part, and the children of my said Son then alive, and the children or descendants of such of them as may then be dead shall have one equal third part among them, which last mentioned third shall be so divided that each child of my said Son then living shall have one equal part thereof in fee simple, and the children and other descendants of each child then dead one equal part equally among in fee simple *per stirpes*, the children of each dead child or descendant standing in the place of their Parent, and taking the part which said parent if alive would have had, equally to be divided among them. And if at the death of my said Grandson, my said daughters or either of them should be dead, it is my will and I hereby devise and direct, that their children and descendants then alive shall stand in their places respectively as to my said Manor and adjoining Lands, and shall take to them and their Heirs as tenants in common, the parts respectively which my said daughters if alive would have respectively taken, the third part of each of my daughters in such case, being divided among her children then alive, and

the descendants of such of them as may be then dead in such manner as that each child then alive shall take in fee simple one equal part of the said third, and the children and other descendants of each child then dead one equal part in fee simple equally among them *per stirpes*, the children of each deceased child or descendant standing in the place of their parent and taking equally among them the part which that parent if alive would have had. I give to my Grandson Charles Carroll all the Slaves and other personal property which at the time of my death shall be on the Farm called the Folly (which is part of my Manor) that is to say, personal property which at the time of my death shall be commonly employed or used on or belonging to the said Farm, commonly called the Folly. All the rest of the Slaves, Horses, Cattle, Hogs, Sheep, and farming utensils which at the time of my death shall be on, and belong to my aforesaid Manor called Doughoragen Manor, or Doughoragen Manor enlarged, I direct to be divided into three equal parts, one of which parts I give to my Grandson Charles Carroll, his Executors, Administrators and Assigns. Another third part to my three Grandchildren, Charles Carroll Harper, Robert Goodloe Harper, and Emily Harper; equally to be divided between them share and share alike. And the remaining third part of the aforesaid Negroes, Horses, Cattle, Hogs, Sheep and Farming Utensils I give to my four Granddaughters Mary Ann Patterson, Elizabeth Caton, Louisa Catherine Harvy, and Emily MacTavish, equally to be divided between them, and if either of my said last mentioned four Granddaughters should die in my life-time, without leaving issue living at my death, the share which would have belonged to her in case she had survived me shall go to her surviving sisters, and the descendants of such of them

as may have died before me leaving issue equally to be divided between them, the issue of such deceased Granddaughter to stand in the place, and be entitled to the share that would have belonged to such deceased Granddaughter in case she had survived me. All the rest of the personal property of every kind that may be on my said Manor at the time of my decease, I give to my Grandson Charles Carroll, his Executors, Administrators and Assigns. All my Wines in every other place except the said Manor I give to my two Daughters and my said Grandson, to be equally divided among them in such manner as that each shall have one third of each kind and quality.

Whereas I hold sundry Lots in the City of Baltimore leased out on ground rent, by leases renewable forever, and other Lots with Houses on them which are rented from year to year, and some vacant Lots yielding no rent, I do hereby devise to my friends John MacTavish of the City of Baltimore and Lewis Neth of the City Annapolis, and Richard S. Steuart of the City of Baltimore aforesaid, and to the survivor of them and to the Heirs of such survivor, all my Lots and Houses and Rents in the City of Baltimore, except my Lots and Houses fronting on Gay street and Frederick street, or either of them between Second and Water Street. I also give and bequeath to the said John MacTavish, Lewis Neth, Richard S. Steuart and the survivor of them and the Executors and Administrators of such survivor, the following Slaves, that is to say, Luke, William, Richard, Dennis Carpenter, William, Robert, James, Old Henny and her Grandchildren, Polly and her daughter, Sarah, and Katy and her children, Peggy and her children, and Nellie and her children, which said Slaves now reside and are employed at the house of Richard Caton in the City of

Baltimore, or at the farm called Brookland Wood, near the City of Baltimore, also all the children and descendants of the above mentioned female Slaves, which may be born after the date of this my last will and testament, and during my life. I further give and bequeath to the said John MacTavish, Lewis Neth, and Richard S. Steuart, and the survivor of them, and the Executors and Administrators of such survivor, all the Plate, Household and Kitchen furniture which shall at the time of my decease be at the dwelling house of the said Richard Caton in the City of Baltimore, or at the said Farm called Brookland Wood and be commonly used and employed, or kept in or about the said two dwellings, or either of them. To have and to hold the said Lots, Houses, Rents, Slaves, Plate and Furniture and Property to the said John MacTavish, Lewis Neth, and Richard S. Steuart, and the survivor of them, and the Heirs, Executors and Administrators of such survivors, for and during the lives of Richard Caton, and my daughter Mary Caton his wife and the life of the survivor of them upon the following trusts, that is to say, in trust for my daughter Mary Caton during her natural life, for her sole and separate use free from the controul or power of her present or any future husband, and to permit her or any person she may authorize to receive and take during her life the rents, profits and issues thereof, for her sole and separate use, and to make and execute during her life all such Sales, Conveyances, Leases, Transfers, and Assignments thereof, or any part thereof, as she by writing under her hand shall from time to time direct; and the proceeds of all such Sales, Conveyances, Leases, Transfers, and Assignments from time to time to invest such purchases of Stock, Funds, Rents or Property of any kind as she by writing under her hand may from

time to time direct, to be held by them in their names in trust for her sole and separate use as aforesaid during her life, and in case her said husband Richard Caton should survive her, then in trust as to all the said Houses, Rents, Slaves, Plate, Furniture and also property of any kind that may have arisen from the Sale, Conveyance, Lease, Transfer, Assignment and reinvestment aforesaid, to hold the same for the use and benefit of the said Richard Caton during his life, and to him to take and receive during his life the rents profits and issues thereof for his own use, and to make such Sales, Transfers, Assignments, Conveyances and Leases thereof, and of any part or parts thereof as he may direct by writing under his hand from time to time and the proceeds of all such Sales, Conveyances, Leases, Transfers and Assignments, to invest in their own names in such Stocks or other productive funds as he may from time to time direct; the same to be held in trust for him in the same manner, and with the like benefit and advantages and powers, as are above mentioned, and from after the death of the said Richard Caton and Mary Caton, I give, devise and bequeath all the said Lots, Houses, Rents, Slaves, Plate and Furniture, and also all property of every kind accruing from the Sale, Transfer, Conveyance, Lease, Assignment and reinvestments aforesaid, unto my Granddaughters Mary Ann Patterson, Elizabeth Caton, Louisa Catharine Hervey, and Emily MacTavish, their Heirs, Executors, and Administrations as tenants in common, equally to be divided between, them. I devise to my friends John MacTavish and Richard S. Steuart, of the City of Baltimore, and Lewis Neth, of the City of Annapolis, and the survivors and survivor of them, and to the Heirs of such survivor, Fifteen thousand eight hundred and ninety-seven Acres

of Land in the State of Pennsylvania, being an undivided part of twenty-seven thousand six hundred and ninety-one acres held by me in different parts of that State. Also all my late dwelling house in the City of Annapolis, and the Outhouses, Garden, and Lots adjoining and belonging to the said dwelling house, including the Lot between the said dwelling house and the house formerly occupied and owned by the late Doctor U. Scott, also the Carriage House on the opposite side of the street, that passes in front of my said dwelling house; the said John MacTavish, Richard S. Steuart and Lewis Neth, and the survivors and survivor of them, to hold the said Lands, Lots and Houses, in trust for my daughter Mary Caton her Heirs and Assigns, for her sole and separate use free from the control and power of her present or any future husband, with power to my said daughter Mary Caton, to sell, give, convey, or otherwise dispose of the said Lands, Lots and Houses, or any of them, or any part thereof, by deed or last will and testament, or in any other mode in which she may think proper in the same manner as if she were a feme sole. I devise to my daughter Catharine Harper, and her Heirs and Assigns forever, Five thousand, eight hundred and ninety-seven acres of Land in the State of Pennsylvania, being one undivided part of the aforesaid Twenty-seven thousand six hundred and ninety-one acres held by me in different parts of the State of Pennsylvania aforesaid; also all my Houses and Lots in the City of Baltimore which front on Gay street and Frederick street, or either of them, between Second and Water streets, to her the said Catharine Harper, her Heirs and Assigns forever. The remaining part of the aforesaid Twenty-seven thousand six hundred and ninety-one acres of Land held by me in different parts of the State of Pennsylvania, I devise to my Granddaughters

Elizabeth Chew Tucker, Mary Sophia Bayard, Harriet Carroll, and Louisa Catharine Carroll, and their Heirs as tenants in common to be equally divided among them. I devise to my Grandchildren Charles Carroll Harper, Robert Goodloe Harper, and Emily Harper and Heirs forever as tenants in common all my Lands Tioga and Steuben Counties in the State of New York commonly called Moreland Manor, as well as that part which I purchased from a certain Robert C. Johnson, as those parts which were purchased by my late Son-in-law Robert Goodloe Harper from the said Robert C. Johnson and a certain Isaac Bronson, and conveyed to me the said Robert G. Harper by way of mortgage.

I give to my Grandson, Charles Carroll Harper, his Heirs and Assigns for ever my Plantation in Baltimore County, called Oakland, conveyed to me by my late Son-in-law, Robert Goodloe Harper.

I devise and bequeath to the Right Reverend Ambrose Arch Bishop of Baltimore and his Heirs, the Chapel my Manor of Doughoragen near to the dwelling with all the Utensils, Vessels, Furniture, Books, and Vestments used in the said Chapel for the purposes public worship, and for the accommodation of the officiating Priest, and the Land on which the said Chapel stands; and also one square Acre of Ground near to the said Chapel including the Burying Ground now used for burying the dead of the Congregation worshipping in said Chapel; and also a right of way to and from the said Chapel and Burying Ground for ever; for the purposes of attending the duties of religion, burying the dead, making repairs and other necessary purposes. And also the sum of Five thousand dollars now due to me from the Reverend John Tessier, being the part that remains due of the sum of Fifteen thousand dollars orig-

inally lent by me to the Reverend William Dubourg, and all my Right, Title, Interest and Estate of, in, and to, a certain piece or parcel of ground within the present limits of the City of Baltimore, heretofore mortgaged to me to secure the payment of the said sum of Fifteen thousand dollars, and also all arrears of interest on the sum of Five thousand dollars that may be due or growing due to me at the time of my decease, and I direct, and my will is, that in the general division of the residuum of my personal Estate directed by this my will to be made into three parts, this sum of five thousand dollars shall be charged to the family of my Son lately deceased, and taken as a part of the third allotted to that Branch of my family; and that in the division of that third between my Grandson and his sisters, or their representatives, the said sum of Five thousand dollars shall be charged to my Grandson solely, and considered as part of his portion of that third. I make this disposition because I believe that the large Estate allotted by this will to my Grandson, will greatly benefit by the use and application which will be made of this sum of money, while the other branches of my family will not be in the way of participating in this benefit.

I hereby release and discharge my Granddaughter Mary Ann Patterson from the payment of her two notes to me and also from all rent due from her to me at the date of this my last will and testament, provided the said notes and rent shall remain unpaid at my death, and provided also, that nothing herein contained shall be construed to release any rent which may become or fall due after the date of this my last will and testament.

I give and bequeath to my friend John MacTavish, the sum of Twenty thousand dollars.

All the rest and residue of my Estate, real, personal,

and mixt, I direct to be divided by my Executors into three parts as equal as may be in value with regard to present productiveness as well as to future; and out of one of those thirds I direct them to raise by such means as they may judge most advantageous and beneficial for those to be ultimately interested in this third, the following annuity; for which purpose I give them all the necessary powers, including the power to convey real estate in fee simple when required, for accomplishing the object; to transfer Stocks, and to sell personal estate, that is to say, an annuity of Three thousand dollars for my daughter-in-law Harriet Carroll during her life, to be paid to her quarterly or half yearly and in full and entire discharge and satisfaction of the sum of Three thousand dollars annually secured to her by her marriage settlement, and charged thereby on my Manor of Carrollton and the adjoining Lands, which are to be fully discharged and exonerated therefrom by this payment; and if my said daughter-in-law should decline receiving this annuity in discharge and satisfaction of her marriage settlement, I then authorize and direct my Executors to retain the annuity, or the fund out of which it is to arise in their own hands during her life, and to pay the said sum to her annually in discharge of her claim under that Settlement. And I request my said daughter-in-law to accept this annuity in lieu of the said provision by her marriage Settlement, and in consideration thereof, to release my said Manor of Carrollton by a sufficient deed from all claim on account of the annuity provided for her as aforesaid by her marriage Settlement, so as to leave my said Manor free and unincumbered to those whom I have already conveyed it after the termination of the life estate reserved to myself; because the Sale it should they be inclined to sell it, might be injured by

its remaining in any degree subject to this encumbrance; and as an equal sum is secured to her by this my will, she can lose nothing by the Release. And it is my will that after the said annuity shall be raised and secured out of the said Third, and after my said daughter-in-law shall have by a good and sufficient Deed consented to accept and receive the Annuity of Three thousand dollars for her life, hereby provided for her in lieu and discharge of the Annuity of Three thousand dollars provided for her by her marriage Settlement aforesaid, and shall by such good and sufficient deed have released my said Manor of Carrollton and other Lands in Frederick County from all claim under, or by virtue of the said marriage Settlement, and not before, all that remains of it shall be divided equally by my Executors between my Grandson Charles Carroll, and four Granddaughters, his Sisters, or such of the whole five as shall be alive at the time of my decease, and the children of such as may be then dead; giving to each, one equal part, and to the children of any of them that may be then dead equally among them, the part which their parents respectively would have taken if alive, and that in case of any part of the said Third being retained as a fund for producing the said annuity in whole or in part, such fund shall be divided and disposed of in the same manner when the said annuity shall cease. And if it should so happen that at the time of my decease all my said five Grandchildren should be dead without leaving any children or descendants I then will that all the aforesaid residue of the said third shall go to my daughters, Mary Caton and Catharine Harper share and share alike, and if either or both of them should be then dead, their parts respectively shall go to their children, to be equally divided among them, in such manner that the children of each

shall take equally among them, the part that their mother if alive would have taken. And as to the remaining two thirds of all the general residue of my estate directed above to be divided into three equal parts, I devise and bequeath one of those thirds to my friends John MacTavish and Richard S. Steuart of the City of Baltimore, and Lewis Neth of the City of Annapolis, and the survivors and survivor of them and to the Heirs, Executors, and Administrators of such survivor during the life time of my daughter Mary Caton, in trust for my said daughter Mary Caton, during her life, for her sole and separate use, free from the controul or power of her present or any future husband; and to permit her, or any person whom she may authorize to receive and take during her life, the rents, profits, interest, income and dividends thereof for her sole and separate use; and to make and execute from time to time during her life all such Sales, Conveyances, Leases, Transfers, and Assignments thereof or of any part thereof, as she by writing under her hand shall from time to time direct; and the proceeds of all such Sales, Conveyances, Leases, Transfers, and Assignments from time to time to invest in such purchases of Stock, Funds, Rents, or property of any kind, as she may by writing under her hand direct from time to time to be held by them in their names in trust for her sole and separate use as aforesaid during her life. And upon the death of the said Mary Caton, I give, devise, and bequeath the said one third of the general Residuum aforesaid unto my Granddaughters, Mary Ann Patterson, Elizabeth Caton, Louisa Catherine Hervey, and Emily MacTavish, their Heirs, Executors and Administrators forever as tenants in common, and if any one or more of my said Granddaughters shall die in my lifetime without issue, the share that would have belonged to such Granddaughter in case

she had survived me, shall go and belong to the surviving sisters of such deceased Granddaughter and the issue of such of them as shall have died leaving issue, such issue to stand in the place, and have the share that would have belonged to his, her, or their mother if she had then been living. And as to all the remaining third part of the general Residuum aforesaid, I give, devise and bequeath the said one third of the general residuum aforesaid to my Grandchildren, Charles Carroll Harper, Emily Harper, and Robert Goodloe Harper, their Heirs, Executors and Administrators as tenants in common. But if my daughter Catharine Harper shall within six months after my death, convey to my last mentioned Grandchildren or their descendants in fee simple, all those parts of the Manor of Carrollton heretofore conveyed by me to the said Catharine Harper (the said Land to be conveyed to the said children or descendants of such of them as may be dead, in such proportions, as at the time of the making of the said deed, they shall be respectively entitled in the said last mentioned one third of the general Residuum aforesaid) then, as soon, as the said conveyance shall be duly made by the said Catharine Harper, and the Title to the said Lands become legally and fully vested in my said Grandchildren or their descendants in manner aforesaid, I then and in that event give to my daughter, her Heirs, Executors and Administrators the said last mentioned one third of the general Residuum aforesaid.

And whereas I have heretofore given to my Son and daughters from time to time, and paid and advanced for them respectively, sundry sums of money for their Settlement, Establishment, and Advancement in life, and may hereafter make further advances for them respectively for the same purpose, all which sums so advanced are to

be charged to them respectively, and whereas for the better explaining of my will and intention in this respect, I have raised accounts with my Grandson, Charles Carroll as the Administrator of his father, and with my daughters respectively in a Book marked F.A. in which I have charged and intend hereafter to charge each of them respectively in their General Accounts with all such sums as are to be considered as given towards the Establishment, Settlement, and Advancement in life of the three Branches of my Family, and are consequently to be carried to their debit; Now my will is, and I do hereby bequeath, direct and devise that all sums charged in my said Book marked F.A. against my Grandson Charles Carroll as the Administrator of his father shall stand and be debited in the division of the general Residuum of my estate as a part of the one third of the said residuum devised to my said Grandson and his four sisters, and shall be allotted and accounted for as a part of their said one third. And all sums charged against my daughter Mary Caton shall stand and be debited in the said division of the general residuum as a part of the one third of the said residuum devised in trust for my said daughter Mary Caton for life with remainder to her four daughters and shall be allotted and accounted for as a part of the said one third, and all sums charged against my daughter Catharine Harper shall stand and be debited in the said division of the general residuum as a part of the one third of the said residuum devised to her three children, and shall be allotted and accounted for as a part of the said one third, but neither of them shall be debited or charged in the said division with any interest on the said sums so advanced, or to be advanced to them, or on any of them, nor with any sums heretofore allowed and paid to them respectively by way of annuity or annual stipend for their

support and maintenance or personal expences, or with any sums hereafter to be so allowed and paid to them respectively for the same purposes.

And it is my will, and I do hereby further devise, bequeath and direct that in any case my said daughters or Grandchildren, or either of them should die in my lifetime, none of the provisions hereby made for such of them as may so die shall be considered as lapsed or void Devises or Legacies, but that the estates and Interests of every kind hereby limited to take effect at their deaths respectively, in case of their surviving me shall take effect respectively at the time of my decease in case of any of them dying before me, in the same manner in all respects as if they had respectively survived me and then died, and when no Estates or Interests are hereby limited to take effect on the death of either of my Daughters, or Grandchildren it is my will, and I do hereby further devise, bequeath and direct that in case of the death of either or both of my daughters or any of my Grandchildren, in my lifetime, the property interest and estates of every kind hereby devised or bequeathed by way of Trust or otherwise to each of them respectively so dying, shall at my decease go to and be vested in the same persons, and for the same interests and Estates therein respectively, and subject to the same conditions, powers and provisions in all respects, who would have taken such property, interest and estates, either by operation of Law or by virtue of this my last will in case the daughter or Grandchild so dying, had survived me and then died; and I hereby devise and bequeath the said Property Interest and Estates accordingly to such persons, for such Interests and Estates therein and subject to such conditions, powers and provisions as are aforesaid respectively, excepting however, out of this clause of my will, those

cases where there is an express limitation over, in case of the death of a Devisee or Legatee in my Lifetime, provided such express limitation shall be to a different person or persons from those designated in this clause of my Will.

It is my will, and I direct that no Inventory shall be made or returned of my personal Estate, but, that my Executors sign and file in the Orphans Court of the proper County an Admission of Assets to pay all just demands against me; and confidently relying on the friendly and affectionate disposition of my children and Executors towards each other, I do earnestly recommend that if any difference of opinion should arise among them touching this my will, or in the execution or construction thereof they will agree to refer it to the decision of some common friend or friends, in preference to any legal Controversy.

And as it is not my intention or expectation that the Trustees appointed by my will, or the survivor of them, or the Heirs, Executors, or Administrators of such survivor, shall have any labor or trouble, or incur any risk or expense in the performance of the Trusts created by my said Will, but that the various Devisees and legatees shall and will take upon themselves all the business, labor, trouble and expense of the affairs of my Estate; merely acting in the name, and with the permission and sanction of the said Trustees when necessary; I do therefore for avoiding and preventing any doubt that might hereafter arise on the subject of Commission or Compensation to my said Trustees, or either of them, or either of their Heirs, Executors or Administrators, Declare and Direct that no Commission or Compensation whatever shall be allowed or paid to my said Trustees or either of them, or to the Heirs, Executors or Adminis-

trators of the survivor of them for or on account of any matter or thing to be done, directed or assented to by them, or either, or any of them, in or about the affairs of my Estate, or the Execution of the said Trusts, or either or any of them, except the necessary expenses which they or any of them may from time to time incur in and about the said Trusts, or any of them; which expenses I direct to be paid, or borne by the persons respectively, for whom or for whose benefit the acts giving rise to such Expenses shall respectively be done.

Having already divided my Manor and Lands in Frederick County among the different Branches of my family, reserving to myself a Life Estate therein, and having caused the said Lands (including my Manor of Carrollton, and all the Lands which I hold adjoining it, or in its vicinity) to be divided into twelve parts or Lots, equal in quantity and value, by Peter Mantz, John H. Simmons and Ignatius Davis, who by my direction have made a plot of the said Lands and division, with an accompanying Table of Courses, all which I have approved, and attested my approbation by signing the said Table on the Eighth day of February One thousand, eight hundred and twenty one, and having in further pursuance of my plan in this respect, divided the parts by Lot among the different Branches of my family, and executed Conveyances to each of them for their several parts, reserving to myself a Life Estate in the whole,—One of which Conveyances is to my daughter Catharine Harper and her Heirs by way of Covenant to stand seized, bearing date on the seventh day of February One Thousand Eight Hundred and Twenty one, of and for Lots Numbers Six, Eight, Eleven and Twelve, and the small or two acre Lots, Numbers Six, Eight, Eleven and Twelve by metes and bounds, being one equal third part in

quantity and value of the said Manor and Lands; One other of which Conveyances is to Robert Patterson and Mary Ann Patterson and the Survivor of them, and the Heirs of such Survivor by way of Lease and Release bearing date respectively on the sixth and seventh days of February One Thousand, Eight hundred and twenty one, and for Six hundred Acres of Land, part of the said Manor by metes and bounds, and of and for Lot Number Nine, and the small or two acre Lot number nine, also by metes and bounds being together one equal Twelfth part of the whole of the said Manor and Lands in quantity and value; One other of which Conveyances is to my Granddaughter Elizabeth Caton and her Heirs by way of Covenant to stand seized bearing date on the Seventh day of February One Thousand, Eight hundred and twenty one, of and for Lot Number One, and the small or two acre Lot Number One by metes and bounds, being one equal Twelfth part of the said Manor and Lands in quantity and value;—One other of which Conveyances is to my Granddaughter, Louisa Catharine Hervey, commonly called Lady Hervey, and her Heirs by way of covenant to stand seized, bearing date on the Seventh day of February One thousand, Eight hundred and twenty one, of and for Lot number Two and the small or two acre Lot number Two by metes and bounds, being one equal Twelfth part of the said Manor and Lands in quantity and value:—One other of which Conveyances is to my Granddaughter Emily MacTavish and her Heirs by way of Covenant to stand seized, bearing date on the Seventh day of February, One thousand, Eight hundred and twenty one, of and for Lot number Five, and the small or two acre Lot number Five by metes and bounds, being one equal Twelfth part of the said Manor and Lands in quan-

tity and value; which four twelfth parts last mentioned are the portion of the said Manor and Lands formerly destined for my daughter Mary Caton, and by consent of her and her husband thus conveyed to her said four Daughters in her stead; One other of which Conveyances is to my Granddaughter Mary Sophia Bayard and her Heirs by way of Covenant to stand seized, bearing date on the Seventh day of February One thousand, eight hundred and twenty one, of and for Lot number Ten and the small or two acre Lot number Ten by metes and bounds, being one equal twelfth part in quantity and value of the said Manor and Lands; One other of which Conveyances is to John Eager Howard the younger, and Doctor William Howard both of Baltimore, and the Survivor of them, and the Heirs of such Survivor in Trust for my Granddaughter Elizabeth Chew Carroll now Elizabeth Chew Tucker and her Heirs, subject to certain charges, of and for Lot number Three and the small or two acre Lot number Three by metes and bounds, being one equal Twelfth part in quantity and value of all the said Manor and Lands by deeds of Lease and Release bearing date respectively on the sixth and seventh days of February one thousand eight hundred and twenty one; One other of which Conveyances is to the said John Eager Howard the younger, and Doctor William Howard and the Survivor of them, and the Heirs of such Survivor in trust for my Granddaughter, Harriet Carroll and her Heirs, subject to certain charges of and for Lot number Four and the small or two acre Lot number Four by metes and bounds being one equal twelfth part in quantity and value of all the said Manor and Lands by deeds of Lease and Release bearing date respectively on the sixth and seventh days of February one thousand, eight hundred and twenty one; One other

of which Conveyances is to the said John Eager Howard the younger, and Doctor William Howard, and the Survivor of them, and the Heirs of such Survivor, in Trust for my Granddaughter, Louisa Catharine Carroll and her Heirs subject to certain charges of and for Lot number Seven, and the small or two acre Lot number Seven, by metes and bounds being one equal Twelfth part in quantity and value of all the said Manor and Lands by deeds of Lease and Release, bearing dates respectively on the sixth and seventh days of February one thousand, eight hundred and twenty one; and, as doubts may exist concerning the validity and operation of the said Conveyances or some of them by reason of outstanding Estates in Trustees in one undivided third heretofore conveyed to my daughter Mary Caton and her Heirs and of various contingent interests and limitations over of parts of the said undivided third created by conveyances made of parts of the said third by my said daughter and her husband to some of their daughters; all difficulty to arise from which doubts, I am desirous of preventing by devising to the same persons and their Heirs, any interest in their respective parts that may remain in me at the time of my decease; I do therefore devise in manner following; that is to say, To my Daughter Catharine Harper and her Heirs all the aforesaid Lots, Numbers Six, Eight, Eleven and Twelve, and the small or two acre Lots Numbers Six, Eight, Eleven and Twelve, which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her of the seventh day of February, One thousand, Eight Hundred and Twenty one; and to the said Mary Ann Patterson, the survivor of the said Robert Patterson and her Heirs, all the aforesaid Six hundred acres of Land and Lots Numbers Nine which are conveyed to the said Mary

Ann and Robert as aforesaid, according to the several metes and bounds thereof, expressed in the said deeds of Lease and Release to them of the sixth and seventh days of February, One thousand, eight hundred and twenty one; to my said Granddaughter Elizabeth Caton and her Heirs, all the aforesaid Lot Number One, and the small or two acre Lot Number one, which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her bearing date on the seventh day of February, One thousand eight hundred and twenty one; to my said Granddaughter Louisa Catharine Hervey and her Heirs, all the aforesaid Lot Number two, and the small or two acre Lot Number Two, which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her, bearing date on the seventh day of February, One thousand eight hundred and twenty one; to my said Granddaughter Emily MacTavish and her Heirs, all the aforesaid Lot Number Five, and the small or two acre Lot Number Five which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her, bearing date on the seventh day of February one thousand eight hundred and twenty one; To my said Granddaughter Mary Sophia Bayard and her Heirs, all the aforesaid Lot Number Ten and the small or two acre Lot Number Ten which are conveyed to her as aforesaid according to the metes and bounds expressed in the said deed to her, bearing date on the Seventh day of February, One Thousand Eight hundred and Twenty one; and to the said Doctor William Howard the Survivor of the said John Eager Howard the younger, and his Heirs, all the aforesaid Lot Number Three, and the small or two acre Lot Number Three which are conveyed to them as aforesaid in Trust for my said Grand-

daughter Elizabeth Chew Carroll now Elizabeth Chew Tucker and her Heirs, and for other purposes, according to the metes and bounds expressed in the said deeds of Lease and Release thereof to them, bearing date respectively on the sixth and seventh days of February, One thousand eight hundred and twenty one; which devise is upon the same Trusts, and for the same intents and purposes as are expressed in the deed of Release last aforesaid; and to the said Doctor William Howard, the Survivor of the said John Eager Howard the younger, and his Heirs, all the aforesaid Lot Number Four, and the small or two acre Lot Number Four, which was conveyed to them as aforesaid in Trust for my said Granddaughter Harriet Carroll and her Heirs, and for other purposes, according to the metes and bounds expressed in the said deeds of Lease and Release thereof to them, bearing date respectively on the Sixth and Seventh days of February, One Thousand, Eight Hundred and Twenty one, which devise is upon the same Trusts, and for the same intents and purposes as are expressed in the deed of Release last aforesaid; and to the said Doctor William Howard the Survivor of the said John Eager Howard the younger and his Heirs all the aforesaid Lot Number Seven, and the small or two acre Lot Number Seven which are conveyed to them as aforesaid in Trust for my said Granddaughter Louisa Catharine Carroll and her Heirs, and for other purposes, according to the metes and bounds expressed in the said deeds of Lease and Release thereof to them, bearing date respectively on the Sixth and Seventh days of February, One Thousand, Eight hundred and Twenty one; which Devise is upon the same Trusts, and for the same intents and purposes as are expressed in the deed of Release last aforesaid.

And whereas I have Contracted, and may hereafter contract for the Sale of sundry parcels and tracts of land, to Conveyances of and for which the Contracting parties will become Entitled on fulfilling the conditions of their respective Contracts, which may not take place during my life, I do hereby direct and empower my Executors hereinafter named, and the survivors or survivor of them to execute Conveyances for and of all such Lands in Fee simple or otherwise according to the respective contracts to the respective contracting parties, or those claiming under them, on the fulfillment of the Conditions of Sale by them respectively, and I do hereby Devise all such Lands to my said Executors and to the Survivor of them and the Heirs of such Survivor for the purpose of better enabling them so to Convey.

I have already paid for my Grandson Charles Carroll a sum of money in order to prevent the Sale of Home Wood, which belongs to him; and may hereafter pay other sums for his individual benefit; and as it is not just that the portion of my Estate devised to his Sisters should be charged with money paid for his exclusive benefit, I hereby direct that all sums (except the annual allowance for the support of himself and his family) which shall be charged against him not as Administrator in my said Book marked F.A., and which shall remain open against him at the time of my decease, shall be allotted and charged against him as a part of his share of the one Third of the General Residuum devised to him and his Sisters, and shall be accounted for out of his part of the said one third.

I do hereby nominate, Constitute, and appoint Robert Oliver, Richard Caton, and John MacTavish, Executors of this my last Will and Testament. But as the said John MacTavish is not a Citizen of the United States,

and may therefore at the time of my death not be qualified by Law to act as one of my Executors, I do therefore (in case the said John MacTavish by reason of any legal Impediment should be disqualified from acting as one of my Executors), hereby substitute my Granddaughter, Emily MacTavish in the place of her husband, the said John MacTavish, and in that case constitute and appoint the said Emily MacTavish, Executrix, and the said Robert Oliver and Richard Caton, Executors, of this my last Will and Testament. And I do further will and direct that no Commission or Compensation whatsoever be allowed on the Settlement of my Estate; it being my express desire that no expense be incurred in the winding up of the same, excepting such, as shall be just and unavoidable.

I give to Mrs. Jane Shaw the sum of One Thousand dollars provided she survives me.

My servant Bill has served me faithfully, and if he survives me, I wish to make his latter years comfortable. But at my death he may be over forty-five years of age, and therefore, incapable of receiving a manumission. If he should be over forty-five at the time of my death, I request that, he may be released from service, and that my Grandson, Charles Carroll, pay him an Annuity of Fifty dollars a year, during his Life, and to permit him, if he desires it, to reside on the Manor of Doughoregan. If my said servant Bill should be under forty-five years of age at the time of my death, I hereby manumit him, and set him free at my death, and direct my said Grandson to pay him the above Annuity.

IN WITNESS whereof, I have to this my last Will and Testament set and subscribed my Hand and Seal, this second day of September, One Thousand, Eight hundred and Twenty-five.

CH. CARROLL OF CARROLLTON.
[SEAL]

Signed, Sealed, Published, and Declared by the Testator as his last Will and Testament, in the presence of us, who at his request, in his presence, and in the presence of each other, have subscribed our Names as Witnesses thereto, the following interlineations and corrections being first made, that is to say, the words "each of" being first inserted between the words "of" and "my" in the eighth line of the fifth page, the words "last mentioned four" between the words "said" and "Granddaughters" in the fourth line from the bottom of the seventh page, the words "Katy and" between the words "and" and "her" in the fifteenth line of the tenth page, and the words "and Nelly and her children" between the words "children" and "which" in the following line of the same page; the words "and the house formerly occupied" in the sixteenth and seventeenth lines of the sixteenth page being first expunged, and the words "and owned" at the commencement of the fourth line from the bottom of the same page being inserted; the words "of her" in the ninth line of the seventeenth page being also expunged as well as the words "Two Thousand" in the fourth line of the eighteenth page; the words "and also all arrears of interest on the said Sum of Five Thousand Dollars" being inserted between the words "Dollars" and "that" in the fifth line from the bottom of the twenty-first page; the words "and rent" between the words "notes" and "shall" in the eleventh line of the twenty-third page; the words "and with my Daughters respectively" between the words "father" and "in" in the fourth line from the bottom of the thirty-fourth page, the words "as a part of the one third of the said residuum" between the words "residuum" and "devised" in the first line of the thirty-sixth page; and the words "now Elizabeth

Chew Tucker” being also inserted between the third and fourth lines from the bottom of the forty-seventh page, and the same words again introduced between the second and third lines of the fifty-fifth page; the numerical figures in red ink at the corners of the pages from forty-five to fifty-eight inclusive being also Expunged.

Witnesses:

R.B. TANEY,
ALLEN THOMAS,
GEO. HOWARD,
GEO. COOK.

I, CHARLES CARROLL OF CARROLLTON, do make this Codicil to my last Will and Testament.

1st. I give and devise to my Grandson, Charles Carroll, his Heirs and Assigns, all my Manor and Lands situate in Anne Arundle County, called, or known by the name of Doughoregan Manor, or Doughoregan Manor enlarged, together with all my other Lands adjoining to the said Tract or Tracts of land, or to either of them. But, if my said Grandson, Charles Carroll, shall die without leaving issue, Male, living at the time of his death, or in ventre sa mere, then, I give and devise all of the said Lands, from and after the death of the said Charles Carroll to my daughters Mary Caton and Catharine Harper and to all the daughters now born, or hereafter to be born, of my said Grandson, Charles Carroll, their Heirs and Assigns for ever, as Tenants in common, and not as joint Tenants to be divided between them in the following manner. The one third of all of the said Lands above mentioned to my daughter Mary Caton, her Heirs and Assigns. Another third part to my daughter Catharine Harper, her Heirs and Assigns; and the remaining third part to all the daughters of my said Grandson now

born, or hereafter to be born, their Heirs and Assigns for ever, equally to be divided between them as Tenants in common.

2d. In my Will I have devised to my daughter Catharine Harper, Five thousand Eight hundred and Ninety-Seven Acres of land in Pennsylvania, being an undivided part of Twenty-seven thousand Six Hundred and Ninety-one Acres, and also certain Houses and Lots fronting on Gay street in the City of Baltimore,—Now, I do by this Codicil give and devise the Said Five thousand Eight Hundred and Ninety-Seven Acres of land and the said Houses and lots fronting on Gay Street, in the City of Baltimore, to my three Grandchildren, Charles C. Harper, Emily Harper, and Robert Harper, their Heirs and Assigns, for ever, to be equally divided between them as Tenants in Common.

3d. In my said Will I have devised and bequeathed sundry Lots and Rents in the City of Baltimore, together with the plate, household and kitchen furniture which may be commonly used or employed in or about the House in which my Son-in-Law, Richard Caton, resides in the City of Baltimore, or at the Farm in Baltimore County, called Brookland Wood at the time of my death, and also all the Slaves commonly employed in or at, and about the said House or Farm at the time of my death to my friend John MacTavish, Richard Steuart, and Lewis Neth, in trust for the separate use of my Daughter Mary Caton during her life, and after her death for the use of the said Richard Caton during his life, and after his death to their four daughters, Mary (now Marchioness of Wellesly), Elizabeth Caton, Louisa, and Emily, their Heirs and Assigns for ever, as by the said Will, reference being thereunto had, will more fully and at large appear. Now I do hereby revoke so much of the said clause

above mentioned in my Will as directs that the said property so devised or bequeathed, should be for the use of my Son-in-Law, Richard Caton, for and during his life, in case he should survive his wife, Mary Caton. And, I will and direct that, all the Rents, Lots, Slaves, Plate, Household, and Kitchen furniture, and property mentioned, and devised or bequeathed by the aforesaid Clause of my Will, shall upon the death of my daughter Mary Caton, be conveyed and transferred by my said Trustees to my four Granddaughters, Mary (Marchioness of Wellesly), Elizabeth Caton, Louisa, now Lady Hervey, and Emily MacTavish, to them, their Heirs, Executors, Administrators, and Assigns as Tenants in Common.

4th. I give and devise to my friends, John MacTavish, Doctor Richard Steuart, and Lewis Neth, and to the Survivors and Survivor of them and to the Heirs of such Survivor, all my Lots and Rents in the Village of Catonville in Baltimore County, and all my right, title, and interest in, to, or out of the said Lots, in trust for the separate use of my daughter Mary Caton during her natural life, free from the control of her husband, and from and after the death of the said Mary Caton for the use of her four daughters Mary, Elizabeth, Louisa, and Emily, their Heirs and Assigns for ever, in equal proportions as tenants in Common.

5th. I give and bequeath to my Granddaughter Emily MacTavish the one half of the Negroes and the one half of all the other personal property belonging to me, which may be on the farm called the Folly, part of Doughoregan Manor, at the time of my death; but, this Bequest is not intended to embrace those Slaves on the said farm which formerly belonged to my Son, Charles Carroll.

6th. I give and bequeath to my Granddaughter

Emily MacTavish, the following Negroes that is to say, Nancy (Gardener Harry's daughter), and her children, and Basil her husband—also Rachel Hart and her children and increase, William, (Charlott's son), Adolphus, (Beale's son), Susan, (Titia's daughter), and Julie, (Milley's daughter), and also all the children of the above-mentioned female Slaves which may be born after the date of this Codicil and before my death.

7th. I give, to my four Grand-daughters, Mary, (Marchioness of Wellesley), Elizabeth Caton, Louisa (Lady Hervey), and Emily McTavish to be equally divided between them as Tenants in Common, the following Slaves, some of whom at the date of this my Codicil are learning the several Trades annexed to their Names, that is to say, Paul, (Beal's son) Blacksmith; James, (Harry's son) Ploughmaker; William, (Toney's son) Stone Mason; Sally, (Charles' daughter) at Gibbons's; Moses, (Joe's son) Wheelwright; Robert, a Shoemaker; Kitty, (Ben's daughter) at this time at the Farm called Brookland Wood, and Ellen, (Harry Hart's daughter) who is also at Brookland.

And it is my Will, and I do hereby direct that, if any of the Slaves mentioned in the two last preceding Clauses of this Codicil, that is to say in the sixth and seventh Clauses of this Codicil, shall be at Doughoregan Manor at the time of my death, they shall not be reckoned among the Slaves to be distributed in the manner mentioned in my Will, nor shall the Slaves bequeathed to my Grand-daughters, or either of them in the said two Clauses of this Codicil be considered as a part of the one third of the Slaves on Doughoregan Manor bequeathed in my Will to my four last mentioned Grand-daughters to be equally divided between them.

8th. I bequeath to my Grand-daughter Emily McTav-

ish the one half of all the Tobacco, Corn, and Wheat which shall be on Doughoregan Manor and belong to me at the time of my death, and which at that time shall not have been sold, or contracted to be sold; excepting from this bequest what may be due from Tenants. In this bequest I mean to include the tobacco, Corn, and Wheat growing, or remaining on the ground, and also that which may be secured in Houses, Barns, or otherwise, at the time of my death. I also give to the said Emily McTavish the one half of the plate and household furniture which shall belong to my dwelling House on Doughoregan Manor at the time of my death. The other half of the said Tobacco, Corn, and Wheat, plate and household furniture, and all rents due at the time of my death to remain to my Grandson Charles Carroll.

9th. I bequeath to my Grand-daughter Elizabeth Caton Ten thousand Dollars; and also to my Grand-daughter Louisa, (Lady Hervey) Ten Thousand Dollars. And I hereby direct that the said Two Legacies, amounting together to Twenty Thousand Dollars, be taken out of the one third of the General Residuum of my Estate devised and bequeathed in my aforesaid Will in trust for my daughter Mary Caton for life, and after her death to her four daughters. The said Sum of Twenty Thousand Dollars is to be reckoned and accounted as a part of the said last mentioned one third of the general residuum of my Estate in the division thereof, and the other two thirds of the said general residuum are not to be diminished by reason of the said two Legacies.

10th. It is my Will and intention that all property real and personal of every kind and description devised or bequeathed to my Grand-daughters, or to any, or to either of them, by my aforesaid Will, or by this Codicil, and all the Estate, interest, property and money to which

my Grand-daughters, or any, or either of them may hereafter become Entitled under or by Virtue of my said Will, or this Codicil, shall be free from the Control of their respective husbands, and in order more effectually to accomplish this purpose I hereby devise and bequeath to my friends John McTavish, Doctor Richard Steuart, and Lewis Neth all the property, Estate and estates, interest and interests, share and shares, proportion and proportions, money and legacies, which by my said Will or this Codicil I have before given to my Grand-daughters, or to any, or to either of them in possession or remainder, or to which my said Grand-daughters or any, or either of them may become entitled in any manner under and by virtue of my said Will, or this Codicil, in trust that they the said John McTavish, Doctor Richard Steuart and Lewis Neth, and the Survivors and Survivor of them, will by proper Deeds and Instruments of writing secure the same, and every part and parcel thereof to the separate use of my Grand-daughters and of each and every of them according to their several proportions and interests as specified and mentioned in my said Will, or in this Codicil, And in such manner that my said Grand-daughters and each and every of them may at all times hold their said respective interests free from the Control of their present or future husbands, and be able and capable notwithstanding their Coverture to use or dispose of the same and every part and parcel thereof by deed, Will, or otherwise, as absolutely and freely as if they were sole and unmarried.

11th. In my aforesaid Will, I have devised and bequeathed to the Most Reverend Ambrose Marechal Arch-Bishop of Baltimore certain real and personal property particularly mentioned in my said Will, I hereby revoke and annul all the devises and bequests made to

him in my said Will, and declare the same and every part and parcel thereof, and the uses and privileges connected therewith to be annulled and revoked.—And, I hereby bequeath to the Most Reverend Ambrose Marechal the sum of Three Thousand Dollars.

12th. I hereby revoke and annul so much of my aforesaid last Will and Testament as may be inconsistent with this Codicil, and in all other respects ratify and Confirm the said Will.

IN TESTIMONY WHEREOF, I have hereunto set my Hand and affixed my Seal this fifth day of February in the year of our Lord One Thousand Eight hundred and Twenty Seven.

CHARLES CARROLL OF CARROLLTON

[SEAL]

Signed, Sealed, Published and Declared by the above named Charles Carroll of Carrollton the Testator therein mentioned, as and for a Codicil to his Last Will and Testament, in the Presence of us, who, at his request, in his presence, and in the presence of each other, have subscribed our Names as Witnesses thereto.

ROSWELL L. COLT.

JOHN THOMAS.

R.B. TANEY.

I, CHARLES CARROLL, OF CARROLLTON, do make this my second Codicil to my last Will and Testament. In my first Codicil, I have devised to my Grandson Charles Carroll, his heirs and assigns, all my Lands; called Doughoregan Manor, or Doughoregan Manor Enlarged, with all my lands adjoining the said tract or either of them, and in the event of his dying without issue male, living at the time of his death, or in ventre sa mere, I have by the same Codicil, devised over the same

lands, among the families of my said Grandson, and my two daughters: as by the said Codicil appears.

It has always been my desire to secure the said lands to the male branch of my family as long as the laws of this State will permit; and as my said Grandson has at this time two sons, I have determined to change the disposition heretofore made of these lands, and do now devise as follows: I give and devise all my lands called Doughoregan Manor, and all my lands called Doughoregan Manor Enlarged, and all my lands adjoining the said tracts of land or either of them, to my grandson Charles Carroll, to hold to him during his natural life; and from and after his decease, I give and devise all the said lands to my great-grandson Charles Carroll, eldest son of my said grandson, for and during the term of his natural life: and from and after the decease of my said great-grandson Charles Carroll, to remain to the first son of my said great-grandson, and the heirs male of the body of such first son lawfully issuing; and for default of such issue, then to the second, third, fourth, fifth and sixth, and all and every other sons of my said great-grandson Charles Carroll, to be lawfully begotten, and to the heirs male of their bodies, respectively the elder of such son or sons, and the heirs male of his body lawfully issuing, always to be preferred and to take before the younger of such sons, and the heirs male of his body :—and in default of such issue, then I give the said lands to my great-grandson Thomas Lee Carroll, second son of my said grandson, for and during the term of his natural life; and after his decease, to remain to his issue, in tail, male, in such manner as I have limited the same to my great-grandson Charles Carroll; and his issue male:—and in default of such issue then to the

third son of my grandson Charles Carroll; and to the heirs male of the body of such third son, lawfully begotten; and for default of such issue, then to the fourth, fifth and sixth, and all and every other sons of my said grandson Charles Carroll, lawfully begotten, and to the heirs male of their respective bodies:—the elder of such son or sons, and the heirs male of his body, lawfully begotten, always to be preferred, and to take before the younger of such sons and the heirs male of his body: and in default of such issue, then, the one undivided third part of the said lands to remain to the right heirs of my said grandson Charles Carroll forever. One other undivided third part, to my daughter Mary Caton her heirs and assigns; and the remaining third part to my daughter Catharine Harper her heirs and assigns.

In my Will, I have given to my daughter Mary Caton, certain lots in the City of Annapolis, and among them, my lot adjoining my former dwelling house, upon which my Coach-house stands: I hereby declare that in that devise I intended to give all of the ground to the waters edge, as a part of the said lot, and direct that the said devise shall be so construed and understood. And it is my Will that all of the property real and personal, devised and bequeathed to the trustees mentioned in my Will and Codicil, upon certain trusts therein mentioned shall be and remain subject to the said trusts, not only in the hands of the said trustees, but in the hands of the survivors and survivor of them, and the heirs, Executors and Administrators of the survivor.

In my book of family accounts marked F.A. I have caused the accounts of my advances, made to the family of my deceased son, and of my two daughters, to be carefully revised, and balanced to the twentieth day of November Eighteen hundred and twenty-nine; and I have

ascertained that up to that day, I have advanced to the family of my daughter, Mary Caton, Fifty-four thousand three hundred and thirty-two dollars and ninety-two cents; to the family of my deceased son Charles Carroll, one hundred and Seven thousand, four hundred and fifty-one Dollars and sixty-seven cents; and to the family of my Daughter Catharine Harper, one hundred and four thousand, three hundred and five Dollars and fifty-three cents: and I do hereby ratify and confirm the balances so struck in my said book marked F.A. and declare the sums above mentioned to be the amount advanced to the respective families of my three children to the twentieth day of November in the year eighteen-hundred and twenty-nine: which said several advances are to be accounted for, and allowed in the distribution of the general residuum of my Estate, in the manner directed in my Will. The sums of money charged against my grandsons Charles Carroll, and Charles Carroll Harper, as Administrators of their respective fathers are included in the balances above mentioned, and are not to be charged to my said two grandsons individually, but to be allowed as a charge against their respective families, and form a part of the general balance herein before mentioned: and the sums charged to my grandson Charles Carroll Harper individually are to be allowed as a charge against the share of the residuum of my Estate bequeathed to him and his brother and sister, and are not to be deducted from his proportion of that share in the division thereof,—between him and his brother and sister.

In my Will, I have given, among other things, One third of my Slaves on Doughoregan Manor (except those on that part of the Manor, called the Folly), to the four daughters of my daughter Mary Caton. I hereby revoke so much of the said bequest as relates to the said one

third of the said Slaves so given to the children of my daughter Mary Caton, and I do hereby give and bequeath the said one third to my granddaughter Emily MacTavish.

I transferred to my granddaughter Emily MacTavish, Two hundred Shares of Stock in the Bank of the United States, in the month of November last. The said shares were transferred to her as a gift, and I do hereby ratify and confirm it.

The sums charged in my book marked F.A. advanced, or to be advanced for the education of my great-grandson Charles Carroll MacTavish, are not to be charged against any bequest made to his mother or father, in my Will or Codicils.

I hereby direct my Executors to pay to A. Brown and Sons, five hundred pounds Sterling, which they the said A. Brown and Sons, have loaned to my granddaughter, Elizabeth Caton, and the payment of which I have guaranteed to them; Which said sum so to be paid I intend as a gift to my said granddaughter, and hereby so declare it.

I direct that Julia, the mother of my servant Bill, shall be allowed to live on Doughoregan Manor, during her life, and be provided for and supported by my grandson Charles Carroll.

I hereby revoke so much of my said Will and first Codicil, as may be inconsistent with the directions and bequests contained in this my second Codicil, ratifying in all other respects my said Will and first Codicil.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal, on this fifth day of January in the year of our Lord eighteen hundred and thirty.

CHARLES CARROLL OF CARROLLTON.

[SEAL]

Signed, sealed, published, and declared by the above mentioned testator, as and for his second Codicil to his last Will and Testament, in the presence of us, Who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses thereto.

R.B. TANEY,
MATT^W BATHURST,
R.W. FISHER.

Whereas I CHARLES CARROLL OF CARROLLTON, of Baltimore City in the State of Maryland, have heretofore made and duly executed my last will and testament, in writing, bearing date on the second day of September, in the year Eighteen hundred and twenty-five, and since the Execution thereof have annexed sundry Codicils thereto: and whereas since the execution of my said last will and testament, I have also made sundry dispositions of portions of my Estate, real, personal and mixed, and have done various acts affecting the same, which dispositions and acts are not mentioned in my said last will and testament, or in any of the Codicils thereto: and whereas it is my anxious desire that the property which I may die possessed of, or which I may heretofore have disposed of, or in any way affected by any act of mine, or any part thereof,—may not become after my death, a subject of litigation among my heirs or devisees; but that the disposition which I have made of the same, or any part of it, by deed, last will and testament and the Codicils thereto, or otherwise, may remain without impeachment, by any person, or persons, claiming or to claim in any manner, by from or under me, as heirs devisees or otherwise. I do therefore make this my Codicil, which I will and direct shall be taken and held as a part of my said will and testament in manner and form following; that

is to say,—I do declare it to be my will and intention, that if any person or persons, claiming, or to claim, any interest or estate whatever, by from or under my last will and Testament, and the codicils thereto, or from or under any other act or deed of mine bearing my signature, or the heirs of such person, or persons, or any of them, shall directly or indirectly, attempt by suit in law or in Equity, or in any other manner, to set aside, alter, impair, disturb or interfere with, any disposition, which I have heretofore made of my said property or any part thereof, by last will and testament and the Codicils thereto, by deed, by writing bearing my signature or otherwise, or who shall not stand to or abide by the same; according to the true intent and meaning thereof; that then and from the time of such attempt, such person or persons so making, or causing to be made the same, shall forfeit and be deprived of all devise, bequest, legacy, estate or interest, made or created in his, her or their favor, in and by my said last will and testament, and the Codicils thereto; and the property or estate real personal or mixed, so forfeited, shall immediately vest in the Executors of my said last will and testament, and the survivors of them, and the heirs of such survivor, with full power to sue for and recover the same, should the person or persons so forfeiting refuse the peaceable delivery thereof; and my said Executors and the survivor of them and the heirs of such survivor, shall hold the property so forfeited as aforesaid, in Trust, for the children of the persons so forfeiting, the revenue accruing on the estate so forfeited, to be applied in the discretion of my said Executors, and the survivor of them, to the maintainance and education of such children, investing the surplus revenue, if any, in such manner as my said Executors, and the survivor of them may deem

best, until the death of the person or persons so forfeiting as aforesaid, when and not before, the property so forfeited, together with the increase thereof, shall be transferred to such child or children in the manner indicated by my said last will and testament; or in the absence of such indication in the proportions prescribed by the laws of Maryland, with regard to the distribution of intestates Estates; and if the person or persons so forfeiting as aforesaid shall have no children at the time of such forfeiture, then my said Executors and the survivor of them and the heirs of such survivor shall within one year, after the forfeiture aforesaid, or whenever they shall receive the same, distribute the property so forfeited among my heirs at law, according to the legal distribution of the Estates of Intestates.

In testimony whereof, I have hereto set my hand, and affixed my seal, this eighteenth day of November in the year of our Lord one thousand eight hundred and thirty-one.

CHARLES CARROLL OF CARROLLTON.

[SEAL]

Signed sealed published and declared by Charles Carroll of Carrollton, the above named Testator as and for a Codicil to his last Will in the presence of us, who at his request in his presence, and in the presence of each other have subscribed our names as witnesses thereto.

MATT^W BATHURST

JOHN WHITE

ROB^T BARRY