Charles Carroll of Carrollton

This portrait, from the collection of Mr. and Mrs. Paul Mellon at Yale, is reproduced for the first time.
CHARLES CARROLL
AS CATALYST

By THOMAS O'BRIEN HANLEY

TWO HUNDRED years ago the Maryland Gazette of Annapolis carried the great debate which turned Maryland down the road to revolution and independence. This weekly newspaper was widely read. Daniel Dulany, one of the participants in the debate, was well-known. Lord Baltimore's Attorney General in America, an office his father held before him. Charles Carroll of Carrollton, his adversary, was little known to the public at large. But from 1773 onward he rapidly rose to eminence, becoming a

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The portrait, right, of Charles Carroll is in the Maryland Historical Society collection. The Maryland Gazette, above, carries Carroll's letter, under the pen name First Citizen, challenging a proposed change in a law regarding tobacco and fees.

Young Carroll, who was born on September 19, 1737, carefully followed this debate. He knew that the province needed a tobacco inspection law, since the previous one had lapsed in 1770. It was a regulatory law, setting the number of pounds per bale (or barrel) of tobacco and establishing quality grades of the staple, which had to pass inspection at government warehouses. Under advice from Dulany, Edith added to the inspection bill provision for high fees to inspectors, appointments for clerks and clerks salaries. When the Assembly rejected such a package, the governor proclaimed his own provisions as law.

To ingratiate himself with the governor, Daniel Dulany turned to the Maryland Gazette to answer the mounting criticism of Edith's proclamation of fees. He used the device of a First Citizen raising difficulties which a Second Citizen (Dulany) answered. When Carroll read this in the January 7 issue, he decided to write a letter under the pen

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name of First Citizen, which would far more vigorously prevent the case of those opposed to the proclamation. He would also point out Dulany's error in reasoning about the measure. Carroll's first letter of February 4 took Dulany by surprise and put him on the defensive from which he never recovered in the four installments which followed. Dulany had denied that the proclamation of fees for government officials was a tax but the ordinary citizen who paid fees in tobacco and a host of other transactions, Carroll said, knew otherwise.

Dulany said that the proclamation by the governor was illegal and if fees were unfair courts could give relief in given cases. "They have declared that to be legal," Carroll responded, "which the minister for the time being has deemed to be expedient." What hope was there then for a fair decision for the ordinary citizen in courts where the governor had appointed the judges?

On this last point Carroll made an attack that was sustained throughout the debate. The governor and the courts appointed by him were usurping the power assigned the Lower House of the Assembly as representatives of the people. "There is no liberty," Carroll said, "if the power of judging be not separated from the legislative and executive powers."

After reasoning along this line against Dulany, Carroll in his third letter brought out the role of the Assembly as the people's watchdog over the government. "True liberty of the subject he explained, "consists, not so much in the gracious behaviour as in the limited power of the sovereign."

"Our Constitution is founded on jealousy, and suspicion," he continued. "Its true spirit cannot be preserved without the most watchful care, and strictest vigilance of the representatives over the conduct of administration." Here in magnificent fashion the young Marylander portrayed the genius of the American ideal of democracy.

The Independent Whigs and letters from the public in the Gazette testified how faithfully Carroll had represented their aspirations. "Public gratitude," wrote William Pace, "for public service is the patriot's due." And it came from all quarters. One writer said that Carroll was "no less elevated by nature than fortune, and that his mind, enriched with knowledge bears the true stamp of honor and dignity."

Not all of the debate was on such high ground as this. There was bad blood between the Carroll and Dulany families. It had a long history. Some of it stemmed from religious animosity in the Dulany. They resented the great wealth the Carrolls held as Catholics, since Maryland and English laws made them second-class citizens, without political rights and public worship. The Carrolls in turn detested the sympathy the Dulanyes had with this discrimination, which at one time called for a double tax on Catholic property.

The most recent episode of conflict had involved young Charles Carroll shortly after his return from England. The Carrolls charged the Dulany, who were joint owners of the Baltimore Iron Works, with inaccurate accounting of company funds. Daniel's brother Walter wrote insults against Carroll to precipitate a duel. Carroll faced up to the threat and Walter Dulany backed off.

Some of the language of that encounter was brought out again by Daniel Dulany in the Maryland Gazette debate of 1773. He mocked Carroll for his diminutive stature and frail build, "a puny weakling and silly puppy." Carroll was dominated by a corrupt father. Dulany questioned the propriety, if not the legality, of a Roman Catholic discussing a political question in public. Carroll retaliated by saying Dulany had "a mind dark and unsearchable, prone to blacken others, fawling and imperious."

All this only deepened the feud that was about to fall on Dulany. Something of a public triumph occurred following Carroll's fourth letter on the eve of the election of assemblymen for the new sessions. All of the Independent Whigs and others opposed to the proclamation were re-elected by a wide margin.

It was only a question of time before the proclamation was overturned. In the fall session of 1773 the tobacco inspection bill was separated from the question of fees for officers and clergy salaries. The governor was forced to back down. The following spring the Assembly established what fees and salaries should be.

This accomplished, Maryland turned with her sister colonies to arrest the tyranny of the King and Parliament in dealing with Massachusetts. English officials had closed the Port of Boston. The spirit generated by Charles Carroll and the young revolutionaries of Maryland in 1773 provided the vigor and ideas that led to independence.

The Charles Carroll House, in Annapolis, has twin chimneys and stands close to St. Mary's Church. Carroll was heir to the largest fortune in America.