Charles Carroll of Carrollton: A Member of the Continental Congress, 1776-1778

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CHARLES CARROLL OF CARROLLTON
A MEMBER OF THE CONTINENTAL
CONGRESS - 1776-1778

BY

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VITA

Bernard D. Haas, S. J., was born in Cleveland, Ohio, March 3, 1918.

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He entered the Society of Jesus August 8, 1937, at Milford, Ohio, and spent two years in the Novitiate before pronouncing his first vows on November 1, 1939. After two years of classical studies, the Bachelor of Literature with a major in English was conferred by Xavier University, Cincinnati. In September 1941 he began studies in philosophy and undergraduate work in history at West Baden College, Indiana.

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INTRODUCTION

A patriot is "one who loves his country and zealously supports its authority and interests."\(^1\) Charles Carroll of Carrollton was such a one. He dearly loved his country even to his dying day. As an old man he wrote:

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 time is my fervent prayer.\(^2\)

In his youthful days he was ready to hazard everything for the cause of America. In a patriotic spirit he was able to write to his father on September 7, 1774:

In a civil war there is and ought to be, no neutrality - indeed were I permitted to remain neutral I would disdain the offer - I will either endeavour to defend the liberties of my country or die with them; this I am convinced is the sentiment of every true and generous American...\(^3\)

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1 Webster Standard Dictionary definition of "patriot."
3 Carroll Papers, III, 69. These papers are at the Maryland Historical Society, Baltimore, in unpublished folio form, arranged in volumes numbered by page with Carroll letters or papers loosely attached to each page. There is, on the average, one script or letter to a page.
His acquaintances always knew him as an ardent patriot. One of them, Daniel of St. Thomas Jenifer, a brilliant lawyer of Maryland, called him "a most flaming Patriot and a red hot politician; He and I have frequent skirmishes in the field of Politics, each retiring Victor, and of consequence always ready to renew the attack..." John Adams later said of him:

In the Cause of American Liberty his Zeal, Fortitude and Perseverance have been so conspicuous that he is said to be marked out for peculiar Vengeance by the Friends of the Administration Great Britian; But he continues to hazard his all, his immense Fortune, the largest in America, and his Life. This Gentlemen's Character if I foresee [sic] aright, will hereafter make a greater Figure in America...

As an ardent patriot he zealously supported his country's authority and interests in thought, word, and deed. On looking over, as an elderly man, his accomplishments in public life, he wrote: "In speaking of my services to our country...they were disinterested persevering and confident of ultimate success." He thought that immortality should come only to those "who serve God in truth, and have rendered great essential and disinterested services and benefits to their country."

6 Rowland, II, 360.
7 Ibid., 346.
And so in deed, he rendered disinterested service to the cause in his two years in the Continental Congress, 1776 to 1778. He came there not "for lucrative office, or reward." He was not selfishly ambitious. He even refused to become the President of the Congress in 1778. Once he bitterly inveighed against the "detestable villainage of designing men who under the specious and sacred name of popularity endeavored ... to work themselves to power and profit." Nor could he tolerate men given to "little bye views and party disputes." He was always ready to sacrifice his own views when they ran counter to the public views, and to undergo injustices and sufferings from those within the patriotic ranks as long as the public right was not harmed. Against these he had steeled himself "to bear adversity with firmness."

Carroll's deeds for the cause did not have the dash and daring of those of other more popular patriots of the Revolutionary War. He was a patriot and a scholar, not a soldier. His endeavors for liberty were destined for the halls of the legislature, not for the spectacular battle field. Not sensational feats of war, but prosaic tasks of legislating for a war filled

8 Carroll Papers, IV, 51.
9 Maryland Historical Magazine, XV, 342.
10 Ibid., 77.
11 Ibid., 61.
12 Ibid., 91.
his two years of activity in Congress. True, these were essential deeds in the winning of the war, but not stirring acts that called for bravos or that won popularity because of their sheer boldness. The tasks left for Carroll and his colleagues called for the attention of men who had an inner appreciation of the worth of the cause and who would labor without counting the cost of weariness and tedium. Often Carroll "grew sick of such public business," but "nothing but a strong sense of duty, and the great importance of the cause kept him at his task." Therefore, his deeds in themselves did not mark him out as an outstanding patriot. His greatness came rather from an ardent spirit of patriotism that animated his every act for the republic.

In this thesis there is no attempt made to detail the entire patriotic career of Charles Carroll of Carrollton. Nothing shall be written of his active work for democracy in America in Maryland from 1763 to 1776; nor of his labors in his state senate, and the First Senate of United States. The following pages simply attempt a study of Carroll's ardent work in the Continental Congress in an endeavour to show that Carroll was throughout this time a devoted and ardent patriot in the cause of American Freedom, despite the tediousness and lack of appeal or prestige in the work assigned him in this Assembly.

13 Carroll Papers, V, 4.
CHAPTER I

THE DECLARATION OF INDEPENDENCE

TEMPORARY COMMITTEES IN CONGRESS

On July 18, 1776, Charles Carroll of Carrollton came to the Continental Congress as a delegate from Maryland. He and the other Maryland delegates presented to the Congress credentials of their appointments that read:

Resolved that the honorable Matthew Tilghman, Esqr., and Thomas Johnson, Junr., William Paca, Samuel Chase, Thomas Stone, Charles Carroll of Carrollton and Robert Alexander, Esqrs., or a majority of them, or any three of them or more, be Deputies to represent this Colony in Congress in as full and ample manner as the Deputies of this Colony might have done under any appointments heretofore made until the next convention shall make further order therein.

Of this appointment Carroll wrote to his father on July 5: "Contrary to my expectation, I am appointed a Deputy to Congress, and much against my inclination..." And later after he


2 Carroll Papers, IV, 64, Maryland Historical Society, Baltimore, Maryland.
had served some time in Congress he wrote: "I assure you that I am sick of public business, nothing but a strong sense of duty, and the great importance of the cause we are engaged in could keep me here..." Yet the cause was to keep him in the service of his country in the Continental Congress until June 1778.

In 1776 he was in Congress from July 18 until August 10, and part of December; in 1777 from May 5 until July 21, and again the same year from September 27 to October 16 or later; in 1778 a few weeks in January; then from April 15 to about June 27. Even though his stay in Congress was comparatively short he was to witness some of the most momentous accomplishments that the Continental Congress could boast of, such as the signing of the Declaration of Independence, the negotiating of a Treaty with France, and the drafting of the Articles of Confederation.

In fact, the day after Carroll arrived at Congress the Declaration of Independence was ordered to be engrossed on parchment; on August 2 it was formally signed, Carroll being one of the signers. It must not be thought that he was a passive signer, a newly arrived member of Congress who happened upon the scene

3 Ibid., V, 4.
when the work of drafting was over and the signing necessary. His own words show that he had been ready to sign a declaration of independence as early as 1763 when he wrote: "America is a growing country; in time it will and must be independent." Moreover, it is said that he was sent to Congress as a reward for his work for independence in the Maryland Convention. On January 11, 1776, Maryland voted to instruct her delegates in Congress "to disavow, in the most solemn manner, all design in the Colonies of independence." But Carroll vehemently opposed this measure. On May 8, 1776, the Convention repeated and confirmed its opposition. But Carroll was not there to raise a contrary voice. The Continental Congress had sent him on the famous Canadian Mission of 1776. He and Samuel Chase, however, were on the scene when the Convention on June 28 removed "this restriction and permitted Maryland's delegates at Congress to declare the United Colonies free and independent states."

5 Gurn, Joseph, Charles Carroll of Carrollton, P. J. Kenedy & Sons, New York, 1932, 80.
6 McSherry, James, History of Maryland, John Murphy, Publ., Baltimore, 1849, 195.
7 Journals of the Maryland Convention, Annapolis, Md., 1775-1776. These are at the Hall of Records in Annapolis, in unpublished folio form, filed in folders according to date. Hereafter this work will be referred to as Maryland Journals.
8 Rowland, Kate M., Life and Correspondence of Charles Carroll of Carrollton, I, Knickerbocker Press, N. Y., 1898, 141; citing Sanderson's, Biography of the Signers, VII, 253.
9 Maryland Journals.
10 Ibid.
According to the historian McSherry, Carroll was "principally instrumental in obtaining the passage of this resolution."11

But Carroll's time in the Congress was not to be spent in signing immortal documents. Rather, the often tedious and minute labor of committee work was to consume his time and talent. In fact, the day after he took his seat in Congress he was placed on a special committee of three with Thomas Jefferson and Robert Treat Paine to make close investigation of some intercepted letters of General Howe to Governors Franklin, Penn, Eden, Dunmore, Wright, and to several private persons. As a result of this investigation the private letters containing nothing harmful to the cause were sent to the persons to whom they were addressed.12 The communications to the Governors were ordered to be published in several newspapers so that the American people might learn what atrocities the Court of Britain was committing against the United States. In this way the American people would be convinced of "the valor of America in resisting the British, the only salvation of America's liberties."13

With this completed, Carroll was not finished with committee work, nor was Jefferson the only outstanding member of

11 McSherry, 195.
13 Ibid., 417.
Congress with whom he was to be associated. Many and varied, indeed, were the matters he would be called on to consider, from the settling of the price of leather breeches to the close scrutiny of the duplicate copies of the treaties with France. Samuel Chase, Gouverneur Morris, Elbridge Gerry, Richard Henry Lee, William Duer, and Francis Dana, were other well known men of Congress serving with him on committees.

In early May, 1777, the Journals of Congress again mentioned Carroll on committee work. He, Thomas Heyward, and Jonathan Bayard Smith, were appointed to consider a petition signed in behalf of the town of Charlestown on the Massachusetts Bay, in which Congress is begged to send compensation to the inhabitants of the town for the losses sustained in the ravages of war." The subsequent report of the Committee has sympathetic words for the afflicted townsfolk, but it refused help, alleging that such a grant of money would set a precedent that would justify other towns and districts to petition for similar compensation. The financial status of the public treasury could not afford so many demands. Congress adopted the tone of this Committee and refused aid. The Massachusetts delegates had this to say of Congress' reactions:

14 Cont. Cong.
There was a Great deal of Delicacy shown thro the whole debate upon this Subject. every [sic] one wished it was in the power of Congress to grant the desired Relief; most acknowledged the Justice of the Demand; but all agreed, that at present it would be impolitic to grant it - except the delegates from the Massachusetts Bay.16

Again in the same month, on May 23, a special committee composed of Charles Carroll, James Wilson, and James Duane, joined with a committee of the Pennsylvania Legislature to investigate an Indian affair of that state. Hostilities with the Indians on the border of Pennsylvania had arisen over the occupation of Indian territory by Pennsylvanian frontiersmen. When the matter had been investigated, the Congressional Committee suggested that the Executive and Legislature of Pennsylvania "take measures to quiet the Indians by the removal of intruders on Indian land or pay for the land taken from the red man."17

The Journals of Congress do not mention Carroll on committee work again until 1778. His continual and strenuous work on the War Board occupied all his time. In 1778, however, he was not reappointed to this Board and so was again available for committee work.

On April 18, 1778, he, John Banister, and Samuel Huntington

16 Ibid., 367.
17 Cont. Cong., VIII, 384.
were appointed to consider the memorial from John Carson who had supplied the army with leather breeches. This was a trivial matter; yet much time elapsed before these three men presented their report. It was June 11 before they asked Congress to order the Clothier General to pay Carson $16 for each pair of breeches.

What must have been the reaction of a man of Carroll's caliber to the appointment on a committee to determine the price of breeches? The Journals of Congress are silent concerning such personal matters, and Carroll's letters say nothing on this precise point. But some letters do give glimpses of what he thought of the public business as on July 2, 1776, when he wrote: "...indeed I begin to be tired of public business; however, as long as my countrymen honor me with their confidence I will endeavor to merit it," or, as the patriot wrote when he penned:

...but I have integrity, a sincere love of my country, a detestation of Tyranny. I have perseverance and the habit of business, and I therefore hope to be of some service. As to any lucrative office or reward, I expect it not. I would not accept of either; all I want is approbation of my own mind and the applause of my countrymen. If I can merit and gain their esteem I shall be

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18 Ibid., X, 383.
19 Ibid., XI, 591.
20 Carroll Papers, LV, 62.
abundantly rewarded for any trouble or difficulty I may have undergone in serving them...

This was the spirit of the scholarly lawyer who had spent years in France in the school of St. Omers, the great college of Louis Le Grand, and in England studying law at the Temple. Only such patriotism that sought no distinction and rank could keep Carroll at the task of determining prices on breeches. This is one of the many events of Carroll's stay in Congress that proves that his patriotism was not expressed in words alone but also in deeds.

The next appointment, however, brought more weighty matters and those of provincial interest to his attention. On April 20, he, Samuel Chase and William Duer were asked to consider a letter of the 17th sent to Congress from Wilmington by General Smallwood of Maryland. It stated that an insurrection of the Tories had broken out at a place called Jordon's Island, ten miles from Dover in Delaware. What was to be done about the situation? The Committee offered proposals which were acted on by Congress. Congress ordered the Executive and Council of Maryland to raise 300 militia men under "active and spirited officers to proceed with field piece and artillerists" into the

21 Ibid., 51.
22 Cont. Cong., X, 368.
23 Burnett, III, 181.
State of Delaware. To this was added that Carroll, William Duer, and John Banister were to give orders to the officers of this expedition and to take every means to "quell all disaffections, conspiracies and insurrections" on the neck of land between the Delaware and Chesapeake Bays. They were likewise to call on the states of Delaware, Maryland, and Virginia for aid in carrying out their plan. 24 This was not the first time Carroll was asked to act in conjunction with General Smallwood in matters military. As a member of the Board of War, he had on occasion trekked along with Smallwood in his campaigns, checking, suggesting, and adjusting affairs in that sector of the army. He must have handled his past assignments with satisfaction. Otherwise Congress would not have appointed him to this Committee, nor delegated him executive powers to carry out the above mentioned plan.

The day after he had been appointed to this Committee he wrote to the Governor of Maryland of the work of the Committee, and then added the following:

If our People would but exert themselves this campaign we might secure our liberty forever. Gen. 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 ...

25 Burnett, III, 181.
On the same day Carroll was appointed to the Committee concerning Smallwood's letter, he, Duer, and Banister were asked to deliberate on the resolutions of Congress concerning the renewal of the extraordinary powers granted General Washington in the autumn of 1777. These allowed the Commander-in-Chief to suspend officers; fill in commands up to Brigadier; demand supplies for his army from the countryside; and conduct courts-martial with the punishment of death. Congress saw fit to renew these until August 10, 1778. All this was to be conveyed to the attention of the officers of the army and officials of Government by the above appointed Committee. This appointment must have pleased Carroll exceedingly for on all occasions he expressed himself both by word and deed a most ardent devotee of Washington. Such an extension of the powers of a man he admired would certainly give him much satisfaction.

In May, Carroll repeatedly served on special committees. On May 7 he was appointed with Samuel Huntington and Robert Sherman on a committee to consider a letter sent to the Board of War.

Then on May 12, he, Gouverneur Morris, and Francis Dana were given a letter of Udney Hay's which had been sent to

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It seems that Udney Hay was holding two positions in the service of United States, Assistant Deputy Quartermaster General at Ticonderoga and lieutenant colonel by brevet. These appointments had been made before the Quartermasters' Department had been remodeled. According to the new arrangements the quartermaster general was in charge of the appointment of subordinate officers in that department. Udney Hay had not been appointed by the Quartermaster. Was he to retain his office and rank? The committee assigned to determine this handed in their report to Congress on May 29. Congress acting on this report ordered that Udney Hay, who had been appointed assistant deputy quartermaster at Ticonderoga and a lieutenant colonel by brevet, under the former arrangement, must now relinquish his office and forego the privileges or emolument that accrue from the rank of lieutenant colonel. Furthermore, the Congress decreed that no military rank might be conferred on an individual in virtue of a position on the civil staff of the Army as had been done in the case of Udney Hay.

A letter from General Washington that had come to Congress on May 11 with a letter from General Howe of May 10 concerning the exchange of prisoners was referred to William Duer, Richard Henry Lee, and Carroll, on May 13. By May 21 the committee

28 Ibid., 490.
29 Ibid., 492.
was ready to make its report to Congress. In their estimation Howe's letter was too ambiguous and so liable to misconception that they urged Congress to be most careful to make proposals for an exchange of prisoners "on the principle of equality" in the most clear and definite terms. Guided by this report the Congress resolved to notify Washington to inform Howe that "Congress ever anxious to alleviate the calamities of war" would make an exchange of prisoners if officers of equal rank from both sides be exchanged; and where soldiers in numbers are exchanged only those soldiers who are in the actual possession of either side should be counted; furthermore, all on parole whom General Washington thought fit persons to be exchanged, namely, those who were capable of future military service and not those who have been rendered inserviceable by the hardships and unhealthy conditions of foul prisons should be considered. Finally, Washington was to notify Howe that if the exchange did not take place Congress would see to it that all British prisoners would be properly taken care of in the prisons of United States.

On the same day, May 13, that Carroll was appointed to the above mentioned committee he was assigned to another with James Lovell and William Duer on a memorial and papers sent to Congress

30 Ibid., 520, 521.
by M. Laneuville. Laneuville was seeking a position in the armed forces as inspector of the army with the rank of brigadier colonel. The next day the committee brought in a report to Congress stating that M. Laneuville was well recommended by many foreign officers, especially Marquis de la Fayette. Many praised him as "an officer of great zeal, activity, and knowledge and one who may be very usefully employed in all military operations." Furthermore, he is known as a proficient in the science of tactics and consequently very capable of forming and disciplining bodies of infantry. This report concluded, Congress proceeded to put to a vote the proposal that "in the interests of United States" M. Laneuville be appointed Inspector of the army under command of General Gates. Carroll cast an affirmative vote. Finally it was added that M. Laneuville must serve as Inspector for three months in order to earn a rank. His service and merit during this time would determine the rank.

On May 14, Thomas M'Kean, Carroll, and James Smith, of Pennsylvania, were appointed as members of a committee to discuss a letter from the Board of War and one of May 10, from the Pennsylvania Tories, ex-Royalist Governor John Penn, and Benjamin Chew. These men as prisoners had been taken from

31 Ibid., 498, 499, 500.
32 Ibid., 397.
Pennsylvania to Virginia because Congress feared that their former high station and influence might prove subversive and harmful to the cause of United States if they remained among their acquaintances and former subjects of Pennsylvania. After their removal to Virginia attempts were made to have them returned. Congress, feeling the delicacy of the affair, did not want to act rashly so they put the whole problem into the hands of a special committee. In a day the committee brought in a report on which Congress ordered these loyalists to be returned to Pennsylvania and to be discharged from their parole. Congress then ordered that the Executives of Pennsylvania and New Jersey be notified immediately of this act.

On May 14, Carroll, despite his religion, was likewise appointed to a committee with William Ellery and Thomas M'Kean on a representation of the bishops and elders of the United Brethren of Pennsylvania.

The next day, May 15, Carroll, Gouverneur Morris, and Francis Dana, were given a letter from General Mifflin. On the 19th this committee reported to Congress that:

"...They have had a conference with General

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33 Burnett, III, 134.
34 Cont. Cong., XI, 503.
35 Ibid., 498.
36 Ibid., 503.
Mifflin and the auditor general upon the subject of the said letter, and having heard General Mifflin's observations upon his peculiar situation as quartermaster general, and his objections to being held strictly to account in cases where, from the nature of the business and particular circumstances attending it, he was incapable of direct agency and the necessary superintendence; that the committee delivered to him and to the said auditor general their opinion, that the great servants of the public are generally to be accountable; that if, in the course of adjusting the public accounts, deficiencies shall appear, Congress will, in every special case, determine upon the circumstances as they arise, whether the party shall, or shall not be discharged; that the committee had no doubt, but such favourable allowance would be made as justice should require; but that Congress could not, consistent with their duty to the United States, by any general resolutions, hold up the maxim that payment of money to deputies or assistants in a department should discharge the principal:

Resolved, That Congress agree to the said report.37

On May 18, the day on which the above narrated report was given, Congress referred a letter of the War Board to a committee of Carroll, Jonathan Bayard Smith and Gouverneur Morris.38

Duplicate copies of treaties France entered into with United States reached Massachusetts in the middle of May. These were brought to the local War Board of Massachusetts by a French captain, Harmon Courter. With this treaty was a letter from

37 Ibid., 511.
38 Ibid., 506.
Gardoqui & Sons at Bilboa, the company which was giving much financial aid to the United States. This letter with the treaty was sent to Congress, and on May 18, Carroll, Gouverneur Morris, and Elbridge Gerry were given a letter from the Massachusetts War Board and an extract of the Gardoqui & Sons' letter for close inspection and deliberation. This extract mentioned that the English Ambassador to France had departed for England without taking leave of the King of France and that a declaration of war against France would most likely result. It went on to say that Franklin had been received at the French Court as Ambassador of the United States.

With this Carroll concluded his busiest month in Congress as member of many special committees. Next to the days on the War Board this work must have consumed much of his time and made demands on his patience and perseverance in the cause.

In June, Carroll's last month in Congress, he was appointed on June 3 to a committee given very important business. Carroll was chairman, Gouverneur Morris and Samuel Huntington being his co-committeemen. Congress turned over to them a letter and enclosed papers from J. Wadsworth, Commissary General of

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40 Burnett, III, 249.
Purchasing. The next day the committee made its report and Congress following these proposals came to the following resolutions: that experience has taught that price control on commodities has led to much public and private harm. Therefore, it was recommended that all states repeal or suspend laws or resolutions, that attempt to fix prices on manufactured articles or commodities. Furthermore, the export of wheat, rice, rye, Indian corn, flour, bread, beef, pork, bacon, live stock, and other provisions, so scarce and costly, and yet so much in demand by the army, must not be exported by any colony. Many of these articles were falling into the hands of enemy ships which preyed on American shipping. In this way the enemy was kept fed and thus able to continue "the present unjust war." The states were urged to be most careful to enforce non-exportation measures. The governors of Maryland and Virginia were urgently requested to send to the army by water all supplies purchased for the continental army. So important was this matter that Congress resolved to take up the report of the committee again the next day. They did discuss the report again in great detail and finally decided to add Richard Henry Lee and Francis Dana to the committee which was to give further consideration to this all important subject. At three o'clock, Monday, June 8, Congress

41 Cont. Cong., XI, 563.
42 Ibid., 569.
43 Ibid., 572.
again received the report of this committee and concluded that because provisions leaving United States were continually being intercepted by the enemy and thus relieving much distress among them, there should be an embargo for the next campaign so as to stop this unnecessary waste of material so necessary for the army. Congress apologized to the states for taking such hasty action, but this seemed necessary as the campaign was fast drawing on. Its members felt that the embargo would be too long delayed if the proposals were sent to each state legislature. Each met at different times and great distances separated them from Congress, and from each other. Therefore, Congress took it upon itself to resolve that no wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock, and other provisions should leave the United States ports from June 10 to November 15. Only provisions for ships of war or those trading to and from these states could be taken to sea.

On June 4, Carroll was appointed chairman of a committee "to examine the journal" and to prepare for publication all resolutions pertaining to the government of the army, rules covering the quartermasters', commissary's, and clothiers' departments; wages advanced and the accounts paid by the army were included. With him on the committee were John Mathews and John

44 Ibid., 579.
This was the last of committee work for Carroll. Toward the end of the month he left Congress for years of work in his state senate. Congress left Yorktown and returned to Philadelphia on June 27. Carroll returned to Maryland.

In the eyes of posterity this committee work appears in many aspects a wasted effort for great men were put to work on trivia. Gifted politicians worked hard on various projects, many of them in fields about which they knew nothing, and often with evident failure. Bungling was evident. Even Washington complained of the inefficiency of Congress. Despite all this no one could say that the Congressmen did not work at their assigned committee tasks with earnestness and sincerity of purpose. Committee meetings occupied the mornings and even long hours of night. In October 1777 one of the members could write to the Governor of North Carolina:

... at present I can hardly find time to write a letter; Congress sits from morning 'till night and committees 'till 10 and 11 o'clock. In fact, I am almost tired of my troublesome office ...

It must be acknowledged that in this very work on committees

45 Ibid., 566.
46 Burnett, II, Preface IX.
47 Ibid., II, 514.
Carroll showed himself the true patriot. His tasks were wearisome and without glory. These were thankless burdensome jobs. The man who could lose himself in these labors for the cause of his nation showed a great spirit of selflessness and sacrifice. Truly Carroll did that. Hidden and unknown, he worked for the cause, not for fame. That was heroic patriotism.

Thus Charles Carroll ended his first year of service in the Continental Congress. During this time he had signed the Declaration of Independence and had worked diligently on the various temporary committees in Congress. These committees busied him with labors on intercepted letters from Howe, on petitions, on investigations of Tory insurrections, on the exchange of prisoners, and on the preparations for publication of the Journals of the Continental Congress.
CHAPTER II

BOARD OF WAR IN 1776

As the work of temporary committees was only a part of Congress' executive functions, so was it of Carroll's. These committees were organized by Congress for some specific purpose of the moment and met more or less frequently as occasion demanded. Most of Congress' executive business, however, which was relatively continuous, was delegated to standing committees which were supervised and controlled only by its members, because Congress was most insistent that all its legislative and executive powers be in its hands alone. Such a stand put insurmountable burdens on its committee members who were too often appointed to work on matters about which they had little or no knowledge.

It was on such a standing committee, the War Board, that Carroll spent most of his time and energy while in Congress. This Board, as the others, received no outside help, yet it planned the whole military program of the Revolutionary War in 1776 and 1777. In fact, it persisted in executing tactics of war down to the last detail, even to minor military movements.
for the smallest contingent of men. Little did it leave to its generals.

A striking example of this, while Carroll was on the Board, was the organization of a regiment of Rangers from South Carolina on July 24, 1776. On this occasion the Board reported to Congress that the regiment of Rangers be incorporated into the Confederate Army, and in its plans for the organization of this force the Board listed the finest details, ordering a lieutenant colonel as commandant for the regiment, a major, ten captains, twenty lieutenants, a surgeon, a paymaster, twenty sergeants, and five hundred privates, carefully specifying what pay was to be given to each man, determining how the contingent would fight, whether on horseback or foot. And in such manner did the Board function until after Carroll had left Congress and the Board late in 1777. Shortly after Carroll's departure, continual failure forced it, however, to reorganize so as to include military men not of Congress.

The beginnings of this War Office were planned as early as January 24, 1776, when Congress appointed a committee of seven, Thomas Lynch, Benjamin Franklin, Edward Rutledge, Benjamin Harrison, Samuel Ward, Samuel Adams, and Robert Morris, to consider

1 Burnett, II, Preface ix.
2 Cont. Cong., V, 607.
the propriety of establishing a war office and the powers with which the said office should be invested. On June 12 it finally heard the report of this committee and resolved to establish:

A Board of War and Ordnance, to consist of five members.
That a secretary and one or more clerks, be appointed by Congress, with competent salaries, to assist the said board in executing the business of their department:
That it shall be the duty of the said board, to obtain and keep an alphabetical and accurate register of the names of all officers of the land forces in the service of the United Colonies, with their ranks and the dates of their respective commissions; and also regular accounts of the state and disposition of the troops in the respective colonies; for which purpose, the generals and officers commanding in the different departments and posts, are to cause regular returns to be made into the said war office:
That they shall obtain and keep exact accounts of all the artillery, arms, ammunition and warlike stores, belonging to the United Colonies, and of the manner in which, and the places where, the same shall, from time to time, be lodged and employed; and that they shall have the immediate care of all such artillery, arms, ammunition, and warlike stores, as shall not be employed in actual service; for preserving whereof, they shall have power to hire proper magazines at the public expense:
That they shall have the care of forwarding all despatches from Congress to the Colonies and armies, and all monies [sic] to be transmitted for the public service by order of Congress; and of providing suitable escorts and guards for the safe conveyance of such despatches and monies, when it shall appear

3 Ibid., IV, 85.
to them to be necessary:
That they shall superintend the raising, fitting out, and despatching all such land forces as may be ordered for the service of the United Colonies:
That they shall have the care and direction of all prisoners of war, agreeable to the orders and regulations of Congress:
That they shall keep and preserve, in the said office, in regular order, all original letters and papers, which shall come into the said office by order of Congress, or otherwise, and shall also cause all draughts of letters and despatches to be made or transcribed in books to be set apart for that purpose, and shall cause fair entries, in like manner, to be made, and registers preserved, of all other business which shall be transacted in the said office:
That before the secretary, or any clerk of the war office shall enter on his office, they shall respectively take and subscribe the following oath, a certificate whereof shall be filed in the said office:
I, A. B. do solemnly swear, that I will not directly or indirectly, divulge any matter of thing, which shall come to my knowledge, as (secretary) of the board of war and ordnance, for the United Colonies, (or clerk of the board of war and ordnance,) established by Congress, without the leave of the said board of war and ordnance, and that I will faithfully execute my said office, according to the best of my skill and judgment. So help me God.
That the said board of war be authorized to hire suitable apartments, and provide books, paper, and other necessaries, at the continental expense, sic for carrying on the business of the said office.

And so was formed one of the most important committees to
which were appointed some of Congress's most illustrious personages such as John and Samuel Adams, and Gouverneur Morris; and to which was delegated much of Congress's most important executive business.

Its first members, John Adams, Roger Sherman, Benjamin Harrison, James Wilson, Edward Rutledge; and Richard Peters, Esq. secretary, were elected on the next day, June 13, with John Adams as president. Work began immediately, keeping the members "in continual employment and drudgery" as John Adams would put it. "Mornings and evenings were filled" with the business before the Board, tedious were the details that had to be sifted and worked out in making daily reports for Congress, long were the hours of explanation and arguing in Congress in justifying the Board's position on the business reported.  

This important committee or Board was functioning for over a month before Charles Carroll became a member. He was appointed on July 19, the day after he arrived at Congress for the first time. Adams was pleased with this addition: "An excellent member, whose education, manners, and application to business and to study, did honor, to his fortunes, the first in America."  

6 Ibid., 60.
His "application to business," that is, a will to work with an eye to details certainly made him "an excellent member." But his profession and education certainly did not; he was a gentleman farmer, a lawyer, not a soldier. And the Board needed men of military background. His military experience was limited; as a member of the famous Congressional Commission to the Canadian Government he had been introduced to matters military. On this trip into the north he had noted carefully in his Journals the various military forts and camps and had commented minutely and intelligently on what should be done in that sector of the army; he had even spent much time in prolonged conversation with great generals like Philip Schuyler, and Benedict Arnold, and sat on Councils of War with them; yet all of this was in viewing the scene in a few short months, not in learning by bitter experience of action through long campaigns on the battle field. But whatever his qualifications, he was not without true patriotism which fired him with a zeal to work for the cause - a necessary stimulus to keep him enthusiastic in the endless tiresome labors of the Board.

When he entered upon these new executive duties, both Congress and the Board of War were most concerned about the wretched conditions in the Northern Department of the Army, Canada and parts of Northern New York. On February 17, 1776, Congress had put General Philip Schuyler in command of the Northern part of
New York, and General Lee in Canada. This had been changed, however, in less than a month so that on March 6, Brigadier General Thomas was appointed to Lee's position, and Schuyler was sent to Albany where he was to establish his headquarters. From this point, he was to direct the affairs of the Northern Department. John Hancock, the President of Congress, wrote to him that:

The supplies of provisions, military stores, etc. for the army in Canada must be procured in these colonies and sent across the lakes. On these supplies being regularly sent will depend not only the success but the existence of the army in Canada ... you will be in a situation to direct the proper arrangements for supplying the army in Canada, and to superintend the operation necessary for the defense of New York and Hudson's River (the security of which is of the last importance), and also the affairs of the whole Middle Department.

On June 17 Gates succeeded Thomas in Canada with the most extensive powers, of appointing and discharging officers at will, and filling in vacancies. But by the time Gates reached his post the American troops had evacuated that area so that he was without troops and Schuyler in complete charge of the Northern Department. Gates balked at this and claimed that Congress had appointed him commander of the Northern Department. A conflict resulted. The two appealed to Congress, which immediately

ordered that Schuyler be kept in supreme command and that Gates serve under him in harmony in carrying out the military operations of that sector. 9 This did not please Gates. Continual trouble resulted. When Carroll was appointed to the Board there was still dissension between these two men. Even Congress and Board were divided in their opinion of the two. It was so bad that Chase could write to Schuyler on July 19: "I am sorry to find how egregiously you have been represented to the members of Congress. You have many enemies." 10 John Adams, the Chairman of the Board, and the other New England delegates, wanted Gates in command. 11 Elbridge Gerry, one of this group, wrote in August to Gates: "We want very much to see you with the sole command in the Northern Department." 12

But Carroll thought Schuyler a worthy officer. Even before he came to Congress he wrote to Gates on June 14, 1776:

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. 13

9 Cont. Cong., V, 526.
10 Burnett, II, 17.
12 Lossing, II, 99.
13 Rowland, I, 174, 176.
Carroll, of all the members of the Board of War, best understood these conditions of the Northern Department, because he had just returned from a trip to Canada. He, Samuel Chase, Benjamin Franklin, and Father John Carroll, had been sent to Canada by the Continental Congress as Commissioners to solicit Canadian support. They had come too late, however; blunders in speech and writing on the part of the patriots, and the condition and actions of the American army in Canada had alienated the Canadians from the colonial cause. American solicitations fell on deaf ears. The Commission had failed in its main purpose, but not entirely. It was certainly profitable for Congress for now it had men like Chase and Carroll as its members who had invaluable knowledge of a section of the army, which greatly troubled Congress and of which it knew very little. In fact, these two knew more about the Northern Department than did Washington himself, a fact which Washington acknowledged. 14 After speaking to the two Commissioners, Carroll and Chase, on their return from Canada, he wrote to Congress:

Their [Chase and Carroll] account of our troops, and the situation of affairs in that department can not possibly surprise you more than it has me. But I must not

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touch upon the subject which you will be 
so well informed of from the fountain.\textsuperscript{16}

And Congress was "well informed" both while the Commissioners 
were in Canada and after. While there these two reported:

We are unable to express our apprehensions 
of the distress our army must soon be re-
duced to from the want of provisions, and 
the small-pox. If further reinforcements 
are sent with no 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...\textsuperscript{16}

Their last letter to Congress from Montreal on May 27 read:

We cannot find words strong enough, to de-
scribe 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 supply 
of a few half-starved cattle, the trifling 
quantities of flour which have hitherto been 
picked up in different parts of the country.\textsuperscript{17}

After they returned they made a verbal report to Congress on 
June 11; a written one on June 12.\textsuperscript{18} About these Chase wrote to 
General Schuyler on July 19:

We informed Congress of the abuses and

\textsuperscript{15} Ford, Worthington C., \textit{Writings of Washington}, G. P. Putnam's 
Sons, N. Y., 1889-93, \textit{IV}, 129.
\textsuperscript{16} Rowland, I, 159.
\textsuperscript{17} Ibid., I, 169.
\textsuperscript{18} Cont. \textit{Cong.}, V, 436.
Misconduct, the want of discipline, and the conditions of the army, and our observations and the methods to be adopted to remedy in some measure the Grievances, and to defend the Entrance into these Colonies, if expelled from Canada, which We then suspected would happen...

The very day after Carroll was appointed to the Board it presented to Congress a report mainly concerned with the Northern Department and General Schuyler. With fresh knowledge and experience Carroll was able to throw valuable light on this subject both in the Board Meeting and during the discussion in Congress. The report suggested that General Schuyler inquire into the complaints of his soldiers that too high prices were charged for the soldiers' supplies and that strict orders be given that no higher price "than the first cost of supplies and 5% for charges be placed on all goods"; that the resolution of Congress prohibiting army officers from holding more than one office be called to Schuyler's attention. Finally the report hit at the very root of the trouble in the Northern Department when it ordered that a letter be written to General Schuyler instructing him to seek by every means in his power to establish harmony between the officers and the troops in the various states under his command, especially those of New England; furthermore, anything like provincial biases and jealousies should be stamped out, and

19 Burnett, II, 16.
in their place, discipline, order, and zeal in the public service should by all means and at all times be maintained.  

If John Adams, Chairman of the Board, could have written this report alone, he would have added stricter measures for ridding the quarter of dissension. He would have removed the commander and set up Gates in his place. This he insisted was prompted not by personal prejudice nor dislike of General Schuyler, for he considered him an industrious, studious and intelligent commander; but by the undeniable fact that Schuyler was not liked by the New Englanders, officers, soldiers and inhabitants. On the other hand, Gates was. Those who knew Schuyler disliked him because of his actions in the French and Indian War; those who did not, failed to show him personal loyalty, so necessary for peace and harmony in the ranks. These were Adams' reasons; there were others. A more potent one was that the New Englanders hated Schuyler because he defended New York's claim to Vermont against New England. Gates, on the other hand, had vociferously taken New England's view in the dispute.

Carroll was of a different opinion. He had no objection to

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20 Cont. Cong., V, 591.
21 Works of John Adams, III, 47.
Gates being commander-in-chief, but from his past experiences on the scene in the north he would put the blame not on Schuyler but on the officers below Schuyler who lacked a true sense of patriotism. He would speak now of Adams' suggestion as he wrote to General Thomas when he was in Canada:

... 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 pass 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.

Carroll was always of firm opinion that Schuyler acted with "the noblest motives."

Besides the business of the Northern Department, this report of July 19 took up matters that concerned Carroll's own state. In fact, it ordered him and his fellow Maryland delegates to action. They were to notify the officers of the Maryland troops to march immediately to New York. He and Chase attended to this business immediately, and in a few days he wrote to his Governor, Thomas Johnson, about more troops from Maryland for Washington's army. In his letter he expressed the hope that

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23 Rowland, I, 168.
since the harvest was over the militia would fill up the Flying Camp, and then join the main forces under Washington as soon as possible.24

With this report Carroll was inaugurated into the multiformal labors of the Board of War. It kept him most busy until about August 10 when he left for home. He told his father, the day after he was appointed to the Board, that its meetings began at 8 in the morning and 7 in the evening and that the house met at 9 and sat until 3; briefly adding: "... judge now what time I have to myself ..."25 There was not time for rest, except a few days when the exceedingly warm weather of July and excessive business in Congress, the week before, forced the Assembly to adjourn from Friday evening, July 26, to the morning of the 29th.

Carroll must have been baffled at the varied business of the Board. His sense of efficiency and thoroughness must have made him discouraged, at times, when with little knowledge of military matters he tried to appoint officers to responsible positions or establish regiments of fighters; or when he had so little time for thoroughly solving the many perplexing problems of the Board. But to the best of his ability he gave his full time and energy to the Board's work, appointing officers;

24 Ibid., I, 185.
25 Carroll Papers, IV, 65.
organizing regiments; disposing troops; supplying the army with food, clothing and arms; and exchanging and disposing of prisoners, all for the advancement of the cause to which he was wedded by patriotic love and conviction.

In his short stay in Congress a little more than a month, he and the Board of War suggested to Congress over twenty commissions of colonels and lieutenant colonels to be appointed to positions as engineers, chaplains, surgeons, or regiment commanders in the army. In only two cases did the Board permit this important work of appointment out of its hands. Once on July 23 it allowed Washington to select the officers for a newly organized regiment of artillerists under General Knox. Washington had written to Congress some time before the 23rd saying that General Knox, the head of artillery, felt that a new regiment of artillerists was needed. But before anything was done the Board spent much time examining the case. And only after it had worked out the organization of this group was Washington given the privilege to appoint its officers.

The second instance was on July 29 when the Board suggested to Congress that the returns of Colonel Elmore's regiment, made into the War Office by Brigadier General Wooster be transmitted

26 Cont. Cong., V, 1776.
to General Washington with blank commissions for the officers; and that as the troops joined Washington he was to fill in the commissions as he saw fit. 27

These were exceptions, not the rule. On another occasion, Washington had written to the Board telling them that the press of duty had kept him so busy that he was not able to send in, at the appointed times, his usual list of vacancies. He suggested that Congress appoint one or two worthy persons to visit his camp once a month, to inspect it and fill up the vacancies they deemed necessary. He did not want this to appear an exception so he mentioned to the Board that this power had been granted to other officers. But on July 29 it sent a reply in which it stated that its members trusted Washington and felt that if anyone should receive the power of appointment, he should, but that they refused it to him, not because of any suspicion of their present commander-in-chief but because of the danger of a precedent. They made it definite that they wished to retain this power and that was all there was to it. They acknowledged that Gates had been granted the power of appointment in Canada, but this had been given only for a short time and only because of the great distance between Gates and the Congress, and that these

27 Ibid., 615.
appointments were only temporary, subject always to the will of Congress.

But the will to share its power was shown a little more generously in its work of disposing of troops. On July 23 and 29 it shared this duty with Washington. In fact, the members of the Board became magnanimous in their expression, when they asked Congress to notify Washington that they had complete confidence in his judgment and that they would leave everything to him when it came to the disposition of troops in New York, in the Flying Camp, and at Ticonderoga. And so on July 29 they ordered Washington to command the Connecticut regiment organized under Colonel Ward to proceed wheresoever he wished them. Carroll always favored a policy of full cooperation with Washington.

Carroll must have felt himself a tyro when it came to the work of investigating and granting commissions and in disposing of troops. But in supplying the army with clothing, arms and money, it was different. His business ability and his experience as a master over many slaves who had to be fed, clothed, and cared for, fitted him for this work.

In supplying the army the Board was empowered to employ as many men as they thought necessary in the manufacturing of flint.

28 Ibid., 602.
for the guns of the army. Its members were to appeal to all local and provincial governments for men proficient in this work and to ask them for the location of places in their territory where flint stones might be found. On July 27, Carroll with Chase wrote to the Council of Safety of Maryland telling them that they had been informed that large quantities of flint were at the landings on the Wye and the Choptank Rivers, ballast for the ships, which had been thrown out of the banks. They asked the Council to procure someone who understood flint to investigate these heaps and report to Congress whether they were good or not.

He and the Board ordered the deputy order master on July 20 to supply Colonel Smallwood’s Maryland troops with whatever they needed for their campaign; on July 31 they ordered five tons of musket powder to be sent to Washington at New York; and the Council of Pennsylvania to have 100 old muskets repaired at the expense of Congress and shipped immediately to the fighting regiment, the Flying Camp; on August 2, $200,000 were sent to Jonathan Trumball, Deputy Paymaster General of the Northern Army Department, for Schuyler and his troops.

On the same day Carroll, the successful business man, whose

29 Rowland, I, 184.
30 Ibid., 185.
31 Cont. Cong., V, 626.
fortune was the first in America, according to John Adams, offered much valuable help in preparing the report that suggested a remedy for the neglect and abuses in the payment of the soldiers' pay. It ordered that all paymasters general and deputy paymasters make weekly returns to Congress of the military chest under their charge; that Jonathon Trumball, of the Northern Army, give an account of all the money that had passed through his hands since he had taken office; that commissary generals and deputy commissioners make weekly reports to Congress; that quartermasters general and deputy quartermasters report on all money they handled and on all stores on hand or distributed; and finally, that commanding officers of each department make monthly reports of draughts made upon paymasters ...

The Board of War also busied itself with the care of prisoners of war. This was by no means an easy task and led to innumerable discussions and controversies. On July 23 the Board received one of its many letters from Washington briefing the account of a conference he had had with Lieutenant Colonel Putnam, Adjutant General of the English Forces. This meeting was at the request of General Howe. Its main topic was the cruel treatment of American prisoners at the hands of British officers.

32 Works of John Adams, III, 60.
33 Cont. Cong., V, 628.
in Canada. Howe promised Washington that the neglect and abuse visited upon American prisoners by British officers would cease. The Board discussed the matter long, and urged immediate action on the promises made to Washington.

The *Journals of Congress* report other phases of business on the matter concerning prisoners, such as the exchange of influential prisoners as Mr. James Lovell for Governor Skene.34

Carroll closed his first period on the Board in Congress with the same business with which he opened it - the army in the Northern Department. On August 8 the Board was directed to investigate closely the condition of the army and the naval forces on the lakes in that section. Chase was called by the Board to give all the information he could on conditions there.35 Carroll may not have been at this meeting for surely if he was, there was no need for calling in Chase for his account of the Northern Department. Carroll was capable of giving the Board all the details necessary for such an investigation. But whether he was or was not there, it is certain that a few days hence he had left Congress and the Board. One of the delegates, William Williams, wrote on August 12: "...They [the delegates of Maryland] are all gone home, except Mr. Stone, to attend their

34 Ibid., 621.
35 Ibid., 637.
Convention which sits this day.  This was the State Meeting appointed to form a new government for Maryland. It met on August 14 in Annapolis. William Paca and Carroll had been elected delegates to represent Annapolis. On August 17 Carroll took his place in this famous gathering.

And so he put aside for a while the fatigue of the burdensome work of the Board of War for the all important work of constitution building. He would be back, however, in 1777 for another year of work on the same Board.

36 Burnett, II, 48.
37 Rowland, I, 186.
CHAPTER III

THE BOARD OF WAR IN 1777

AND COMMITTEE ON FOREIGN APPLICATION

Carroll was back in Congress in May 1777 and was assigned to the Board of War on May 8. Of this appointment he wrote to his father the following day: "I was yesterday reappointed one of the Board of War, and consequently I shall have my hands full ..."

He did have his hands full from May until about July 21, and from September until October 16 or later. He returned to work which he had not seen the year before; to old problems with new difficulties; and to old Board business that remained the same, differing only in new circumstances and with new persons petitioning, reassigned, or promoted. And there was still the endless correspondence with officers of the army, from Washington down. But this year's work was made doubly hard because of the deep shadows of defeat and discouragement that prevailed in

1 Carroll Papers, V, l.
2 Burnett, II, xlvi; III, liii.
the army and in Congress. The American cause had suffered greatly during the preceding year and a half. To this was added the continual lack of cooperation of some of the states in sending men, money and supplies for the Continental Forces. Yet the Board drudged on patiently and accomplished much despite these odds.

On the day after his reappointment, the Board, as usual, presented its daily report, which asked Congress to inform Washington that it was deeply concerned at the numerous reports in the hands of the Board of War of the misbehavior of several officers in settling the pay of their soldiers, and that this had already occasioned much discontent and desertion among them, harming greatly the American cause. As a remedy for the abuse, the Board strongly recommended the establishment of a court of inquiry that would apprehend all who were involved in such a mean practice, examine them closely, and if found guilty, dismiss them from the army with infamy. Their states were to be notified immediately of their crime, with a strong recommendation for a prosecution at law of these criminals in their state courts, as speculators and public plunderers. 3

Washington sent an immediate answer to these resolves from

3 Cont. Cong. VII, 343.
Morristown on May 12 confirming the statements of the resolves and promising his utmost support. He begged Congress, however, to hold him excused from carrying out the inquiry by establishing a court. He pleaded that he did not have the man power to take general officers from their jobs for this court. If he withdrew any he would be taking them from military functions of the utmost importance. Even if his men would set up a court they would be hindered in carrying out a profitable inquiry by the recruiting officers of the states. Therefore, as a substitute, he suggested that two or three gentlemen of ability and integrity in accounts be appointed auditors to attend the army and keep close check on the business of paymasters and officers until the evil is completely stamped out.  

These reports must have deeply pained the patriot, Carroll, as did the conduct of the ill-spirited officers in the Northern Department when he toured Canada as a commissioner of Congress. Just as then, so now, he might have uttered the same words against these officers as he did against those at the earlier date:

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.  

4 Ford, V, 359.  
5 Rowland, I, 161.
What must have been the reactions of this man now who had inveighed against cheap plottings of politicians of his state saying then:

I pity from my soul my poor deluded countrymen ... I execrate the detestable villainage of designing men who under the specious and sacred name of popularity are endeavoring to work themselves to power and profit ...  

The rest of this first report brought him back to the old business of organizing regiments for the Continental Forces. It brought into Congress the proposal made by a Monsieur Bojeu Laporte, for raising a regiment of French Martinqui and Sant Domingo in the service of the states.  

This was but the beginning of such business. On June 17 the Board admitted into the Continental Army a battalion established by the State of North Carolina under the command of Colonel Sheppard. This was to be included among the sixteen battalions Washington was empowered to raise and commission.  

Later, in the first part of July, the Board would have Congress approve the establishment of two companies for guarding stores at Carlilis. The soldiers were to be enlisted for one  

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6 Carroll Papers, IV, 77.  
7 Cont. Cong., VII, 344.  
8 Ibid., VIII, 472.
year only, to have no bounty, and by no means to be removed from their position for service in other fields. James Armstrong Wilson was to be appointed major of one group; Samuel Poiltethwaite, the captain of the other. 9

During this second year of service Carroll and the Board were again kept busy with commissions. On October 10 the Board had Congress issue 100 blank commissions for privateers, to be signed and delivered by the President of the Committee of Commerce to the agents abroad. 10 On October 13 it ordered that the commissioned and non-commissioned officers who had accompanied Monsieur du Coudray from France have the ranks that were proposed for them in France with pay, etc. If they declined these positions they were to be paid the amount due officers of that rank for time lost, expenses defrayed, and passage back to France. 11

As before, the Journals of Congress again and again list the Board's ardent work in supplying regiments with arms, clothing, food and money. In fact, the Congress on September 27 ordered the Board to cooperate with Washington in devising and carrying out the most effectual measures for supplying the army with firearms, shoes, blankets, stockings, and other provisions necessary

9 Ibid., IX, 774.
10 Ibid., 792.
11 Ibid., 799.
to the service.12

This year's business on prisoners weighed heavy and burdensome on the Board's agenda. On June 9, John Adams, Roger Sherman, and Carroll were the members present at a Board meeting that took into consideration the various papers and letters gathered by Congress concerning the treatment of our prisoners by British officers, a baffling task for only three men. But the subsequent report manifests their shrewdness and deep sense of balance and justice. It proposed that Howe be notified through Washington, that Congress was deeply stirred by the cruel treatment of American prisoners by the British. Respect for the rights of humanity, not retaliation forced the Board to mete out equal severity to British prisoners until Howe and his officers do otherwise. As long as American soldiers were sent to foul prisons in Britain, British prisoners would be confined in American jails, and visited with like cruelties that the prisoners were suffering in Britain. Congress did not accept that morning's report but recommitted it to the Board's afternoon meeting. Unfortunately, Carroll was not present at this meeting when a few alterations were made. Congress finally accepted this revised version.13

12 Ibid., VIII, 755.
13 Ibid., VIII, 430.
The work of the Board that year introduced Carroll to business he had not seen the year before, that of investigating courts martial. Over ten cases of such trials were referred to the Board while he was present. On May 10, two cases were considered. Both had been held at Philadelphia, one on May 9 against Captain Lang, another on May 5 against a group of prisoners. General Schuyler approved the latter but not the former. On May 21 General Schuyler introduced another to the Board, which had been held at Philadelphia on May 19 and 20, against John Brown alias John Lee. The court proceedings which were signed by Stephen Moylon, the president of the court martial, determined that John Brown carried on a correspondence with the enemy, offered himself as a pilot to General Howe to conduct the British army from Brunswick to Philadelphia, and promised to discover the place of the Continental stores which had been removed from Philadelphia. He was found guilty and sentenced to death, but because of certain circumstances the court recommended him as an object of mercy to General Schuyler. All of this was referred to the Board. When Moylon was called to report on this case he told them that the court suggested mercy because of the apparent ignorance and illiteracy of the condemned. After careful study the Board presented his case in a report to Congress,

14 Ibid., 374.
but Congress took no immediate action. 15

On June 18, the Board ordered that Thomas M'Cann, condemned by court martial at Charleston, South Carolina, for desertion, be pardoned if General Howe thought such a step be for the good of the service and public welfare. Otherwise, he was to be put to death. The Board wished a pardon granted because of mitigating circumstances that had come to its attention. 17 On June 20, the Board passed judgment on the trial of Peter Pickman Frye, a soldier of the Massachusetts regiment, who deserted with the intention of going over to the enemy. The Salem's Committee of Safety had notified the Board that Frye was a person incapable of committing a crime "maliciously and with design" because of insanity. The Board through a resolve of Congress asked General Heath to investigate this case further, and if Frye was insane to grant him pardon. It was careful, though, to insist that General Heath notify the public that Frye was pardoned for the above reasons and not because of friends or connections. 18

As if a call for help from out of a quiet night, a touching plea from the patriotic people of Nova Scotia, true to the

15 Ibid., 382.
16 This General Robert Howe was an officer of the American Forces, 1732-1786. He commanded American Forces in South Carolina and North Carolina.
17 Ibid., VIII, 476.
18 Ibid., 484.
American cause, broke in on the routine work of the Board. Their attachment to the cause had brought them untold hardship at the hands of the British and the Loyalists in that Sector. On May 13 the Board ordered the Council of Massachusetts to give the Nova Scotian patriots assistance by raising 500 men at the expense of the Continental Congress to march to these people and aid in removing any who wishes to come to the United States. 19

By June 20 the Board had been working for almost two months on the establishment of a corps of invalids. This group was to consist of eight companies, each with officers and 100 men, who were to be employed in the service of the cause; some in garrison work, as guards in the cities where magazines, arsenals or hospitals were situated; others in military schools for young men; still others at recruiting stations. When, finally, most of the plans had been drawn up by the Board, Congress appointed Colonel Lewis Nicola the head of this corps. On July 16 the recruiting was started. The director-general of the Continental Hospital was ordered not to dismiss anyone as unfit for service who might be able to work within this corps; all commanding officers were to send their invalids to this director or any surgeon or doctor of the army for inspection, so that they might be relegated to

the invalid corps if able to do some work. In an effort to fill this corps the Board carefully prepared an advertisement outlining its work and with a patriotic appeal to service. This was published in all the prominent newspapers of the United States.

Much of the time and attention of the Board were still centered on the Northern Department. The old troubles persisted; Schuyler and Gates could not agree on the command; supplies, men, and money were needed for the fast depleted troops which were meeting disaster and starvation at practically every turn. Letters of petition and complaint continually flooded the war office. In all this Schuyler and Arnold, the department's greatest generals, figured most prominently.

Just as with Schuyler the Board treated Arnold with mixed sentiments. Today it was praise, tomorrow suspicion and censure. But Carroll acted otherwise. He knew the man and his genius as a military officer; his convictions of Arnold's worth were built on the months of observation in Canada. He had seen him in action; had sat with him on war councils, had talked to him for hours and days on matters military, and had traveled extensively with him.

Carroll highly approved the Board's action toward Arnold

20 Ibid., VIII, 554, 555.
when it presented him with a horse "properly caparisoned" from the quartermaster-general as a token of approval for his gallant conduct against the British at Danbury on April 27, 1777.  

This incident was a simple fray, yet a noble manifestation of Arnold's enthusiasm for the cause. Arnold happened to be at New Haven in April visiting his sister when he received news that the British troops had landed at Fairfield, and intended to destroy the important Continental magazine some 30 miles northwest of New Haven at Danbury. He hastily joined Generals Wooster and Sullivan to ward off the British attack. But the few hundred colonists were no match for the 2000 well trained Redcoats. Danbury was destroyed and the British were returning to their ships. But Arnold pursued them and fought valiantly. He lost two horses under him. Wooster was killed. The British with some losses regained their ships and sailed away.

Congress could not help but recognize Arnold's bravery and so presented him with a horse. Wooster had a memorial erected to his memory. It seemed that at long last Congress had recognized Arnold's ability and meant to reward him.  

Shortly after it gave him the commission of major-general, an appointment that

21 Ibid., VII, 372.  
came too late. His accomplishments, he thought, had warranted that promotion long before when men of less ability were advanced to this rank by Congress. This belated advancement meant very little to him now, because he was the lowest in seniority of all the major-generals in the army at the time. But all this came from an unfriendly Congress and War Board in which Arnold could count more enemies than friends. 23

No sooner had the strains of praise quieted down when criticism of this talented general filled Congress. Handbills dated April 12, 1777, at Pittsfield and signed by John Brown had been passed about defaming Arnold's military character. Was all this true? An investigation was begun. Congress called Arnold to Philadelphia to answer the charges against him, and the War Board had long conferences with him concerning these imputations on his character. Richard Henry Lee inveighed against this inquiry and claimed it more of Congress's "... plan now in frequent use ... to assassinate the characters of the friends of America; and by every means." After he attended part of the investigation at the War Office with General Arnold he bitterly complained that Arnold had been "basely slandered and libeled." 24

However, not all treated Arnold thus. Carroll nobly stood

23 Ford, V, 363.
24 Ibid., V, 363.
by him in his hour of trial. He publicly took his side, and after all of Arnold's original letters, orders, and papers were presented before the Board, Carroll stood up and gave a lengthy defense of Arnold and his character. In Congress, itself, through the weight of his position as a member of Congress and the War Board and his convincing proofs of argument, he vindicated the General's character and conduct which had been so cruelly and groundlessly aspersed in the publication. Carroll won a complete victory over the odds, for Congress immediately confirmed his opinion of Arnold.

At least for the moment Carroll had kept Congress from assassinating the American cause in the heart of Arnold and from turning him into a traitor to his nation. It would take future blunders of Congress to lose Arnold to the enemy, and Carroll would not be there to stop them. And it was to his credit that he saved on this occasion, a general of whom Washington at the time said: "Surely, a more active and more spirited, and sensible officer fills no department in your army."26 This is again but one more of the many instances in which Carroll's view in public matters coincided with that of Washington's.

Schuyler was another "character of the friends of America"

26 Sparks, IV, 351.
that some of the members of Congress were still trying to assassinate. But their attempts, at this time, were frustrated by the friends to the friends of America, like Carroll. Just before Carroll had come to Congress this year Schuyler had been asked to come to Philadelphia to answer for the misconduct and the wretched conditions in the north. Gates was sent to command that department. But on May 15, 1777, while Carroll was in Congress, Schuyler was reinstated with the command, but only after the Board had investigated carefully the whole situation and had found nothing wanting in Schuyler's conduct. Carroll voted in the affirmative when Congress cast ballots on the advisability of reinstating Schuyler. General Gates was asked to relinquish the post and to serve under Schuyler or join Washington in the office of Adjutant-General in the general army. The friends of Gates would not have this. They fought back until finally they had removed Schuyler for good. The fall of Ticonderoga was used as the reason for getting rid of him. Carroll would not support their action. He was not at Congress at the time to fight back but he did write to Franklin in August 1777 telling him that the loss of the Forts Ticonderoga and Mount Independence must be imputed to the "dilatoriness" of the New England states in not sending sufficient forces to defend these places; to the

27 Burnett, II, 377.
unhappy difference between General Schuyler and Gates; and to
the improvidence of Congress in not giving positive orders for
the evacuating of these posts and the removal of the stores be­
fore the arrival of the enemy at Crown Point.28 At this time
Carroll didn't realize that in supporting Schuyler he was oppos­
ing the group later known as the Conway Cabal, that attempted to
oust Washington from his supreme command.

Carroll's strenuous labors on the Board were broken in
September 1777 when he was ordered by Congress to go to the
American forces in and around the Chesapeake Bay area and there
with Samuel Chase and John Penn to investigate the condition of
the army. All through this month he traveled with the army from
"Baltimore Furnace" to "Johnson's Ferry in Susquehanna Cecil
County;" from "G. Washington's headquarters at Ye Yellow Springs"
to "Reading Furnace" in Pennsylvania; from Potts Grove back to
Congress which then sat at Lancaster.29

While on this tour of inspection he wrote to Governor John­
son of Maryland on September 8 from a little out of the way place
called Swan's Creek, telling him of the movements of the American
troops and those of the enemy on the Chesapeake Bay, ending fin­
ally by telling him that if Mr. Smith, the only Maryland delegate

28 Rowland, I, 206.
29 Smith, Ellen H., Charles Carroll of Carrollton, Harvard Uni­
at Congress, should desire to return home he, himself, would proceed to Congress and not join Smallwood's brigade of militia. This was not to be, for duty and the cause were to keep him in the field longer, much against his inclinations, for in a letter to his Governor he writes:

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.

He continued on with General Smallwood until they joined Washington and then he headed for Congress. On September 22, just before he left the field, he wrote from Potts Grove to Washington asking him to send some "active persons" to Bristol and Trenton to impress wagons so that they might move out the Continental supplies there.

On May 12 new burdens of equal weight and importance were added to Carroll's continual work of the War Board, when he was appointed to the standing committee on Foreign Application. This was an adjunct of the Board of War, which handled the foreign commissions to the American army.

30 Rowland, I, 216.
31 Ibid., I, 216.
32 Ibid., I, 217.
33 Cont. Cong., VII, 347.
Carroll was a most profitable addition. His long residence in France gave him ease of speech in French and a thorough knowledge of those people and their ways. Commissions to Frenchmen composed the Board's major work.

Carroll was only on the committee a short time when he realized that he had been brought in on some of the most delicate and harrassing of Congress's business, that required very careful management. Much good and support would be lost to the cause if mistakes were made. A careful course must be steered in trying to appease the foreign officers who had been promised too much by Silas Deane in France, and still fit them into positions and commissions that would not disrupt the smooth running of the army or cause mutiny among soldiers hesitant to follow foreign officers. One of the members of Congress called this:

... a most unhappy affair of our old Friend Dean; who has been in more Instances than one, Imprudent to the last degree. he brot [sic] us into the most unhappy Dilemma in several of his Contracts and Stipulations with Gentn. sending over swarms of Commanders, Pensioners, etc.

The committee's difficult work wore down James Lovell, one of the committeemen, who said "These [French officers] contending endless talkers and writers have entirely destroyed me."

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34 Rowland, I, 205.
35 Burnett, II, 406.
36 Ibid., II, 394.
Washington, for his part, pleaded with the committee to place foreign officers second in command, no matter what their merit, and antedate all Colonial commissions to those of the foreigners. He felt that these foreign officers for the most part lacked that necessary patriotic attachment to the country, so necessary for a zealous officer, and that they had no influence in bringing in new recruits from among the Americans. He also claimed that Americans lost confidence in Congress and grew disgusted with the cause when they saw high ranking commissions in the army conferred on foreigners of little or no reputation. Despite the pressure from all sides, the committee was most anxious to cooperate fully with Washington. This prompted them to write and tell him that since he received so much trouble from these foreigners, Congress had decided, through the urgings of the committee, to offer only ranks of minor importance to them.

A further manifestation of this cooperation was evidenced in the committee issuing blank commissions to General Washington for the French officers who arrived on the French vessel Amphitrite to be filled as he wished.

During Carroll's service on this committee its major work was consumed in business with three capital characters, Monsieur

37 Ford, V, 369, 370.
38 Burnett, II, 375.
du Coudray, Monsieur De la Balme, and General Thomas Conway; du Coudray and Conway were to cost the cause dearly.  

In Europe du Coudray had gathered many arms and men for the American cause, which were shipped on the Amphitrite. On arriving at Philadelphia in June he applied for the rank of major-general with the command of the engineers and artillery, as promised by Deane. Right here the trouble began, much to the embarrassment of Congress and the committee. Du Coudray was insistent and on June 3 presented letters to Congress from Franklin and Deane which recommended him as the most worthy French officer. He repeated this again and again. All of his petitions and letters were turned over to the committee, which finally on July 2 presented its conclusions on the case to Congress. Congress considered the matter as a Committee of the Whole, but did nothing because the Committee of Foreign Application pleaded for more time to consider the case. At last on July 12 Congress finally received a definite answer. The Committee stated that it was of the opinion that Deane had no authority from Congress to make such agreements with du Coudray and therefore Congress was not bound to fill these promises. It insisted that Deane's agreement was not in accord with the interest, honor,  

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40 Burnett, II, 386.  
41 Cent. Cong., VIII, 412.  
42 Ibid., VII, 525.
and safety of these United States, and therefore ought not to be adopted. 43

In the meantime General Knox, who had been in charge of the artillery, threatened to resign if du Coudray was appointed commander of the artillery. Generals Greene and Sullivan did likewise. Washington supported Knox, not that he was a trained artillerist but because he was a good patriot, and so were the men under him. They did not want a Frenchman. 44 Congress was confused and so was the Committee. The Committee was balanced between a dilemma. They did not want to shatter the stability of the American army by appointing du Coudray. Yet they did not wish to alienate the American cause with their foreign friends in France by refusing the appointment. Du Coudray was close to the French throne. Finally after much discussion du Coudray was made a major-general by order of Congress and Inspector-General of Ordnance and Military Manuf actories on August 11, when Carroll was not serving in Congress. 45

Monsieur Mottin de la Balme, skilled in horsemanship, received from Congress on May 26 a commission of lieutenant-colonel of horse on the recommendation of the Committee. 46

43 Ibid., 548.
44 Ford, V, 415.
45 Cont. Cong., IX, 1026.
46 Ibid., VIII, 385.
The third but not the least conspicuous was Thomas Conway, Knight of the Order of St. Louis, a soldier with a great military reputation. Later he would be one of the ringleaders in the Conway Cabal, which attempted to remove Washington from his high command. This "l'enfant terrible" was elected brigadier-general by Congress the day after Carroll was placed on the committee of Foreign Application. His appointment had been urged by the Committee in a report that was filled with ovations of his skill and talent. He was sent to serve under Washington. However, he was an ambitious man so in early October he appealed for the commission of major-general. His many friends in Congress were in favor of granting this commission, but not so Carroll. He, Lovell, and Duer, vehemently talked against the appointment. Conway resented this and sent a letter to Carroll at Congress, but Carroll was not there. So Congress opened the letter and read it. In it Conway expressed his surprise that Carroll should oppose him, and filled the rest with vain attempts to justify himself by extolling his own past merits and supposed noble deeds, a boastful, insolent, vain expose. Carroll continued in his opposition. He and Washington shared the same convictions. Both knew Conway's true colors. Washington hearing about this discussed appointment wrote that "... it will be

47 Ibid., VII, 349.
48 Rowland, I, 225.
49 Ibid., I, 225.
as unfortunate a measure as ever was adopted. I may add, and I think with truth, that it will give a fatal blow to the existence of the army. Conway as an officer of merit exists in Conway's imagination, not in fact. American officers refused to serve under him and threatened to desert the cause. "I have no prejudice against General Conway, nor desire to serve any other brigadier, further than I think the cause will be benefitted by it; to bring it to a speedy and happy conclusion, is the most fervent wish of my soul." These utterances were not made in the heat of the Conway Cabal, for as yet Washington knew nothing of the secret machinations of men in and out of Congress to remove him from the position as Commander-in-Chief. They were those of the patriot interested in the cause. Conway finally resigned the army. But despite the pleadings of Washington and the forceful arguments of Carroll, Conway's friends in Congress finally made him a major-general on December 13, 1777. Carroll had already left Congress by this time, for in October he had returned to his home, leaving behind him the tedious work on the War Board and the complications of the committee on Foreign Application. He was to return to Congress in 1778 but not as a member of these two committees.

50 Sparks, V, 97.
51 Cont. Cong., IX, 1026.
CHAPTER IV

ARTICLES OF CONFEDERATION

Next to conducting the War, the framing of the Articles of Confederation was Congress's most outstanding achievement in the latter part of 1776 and all of 1777. In Congress, the Board of War carried on most of the executive duties of conducting the war; Congress as a committee fashioned the Confederacy - both tremendous tasks and both made doubly difficult because of the many local prejudices, jealousies, and fears of one Colony against the other. Both lagged wretchedly and at times were threatened with ruin. Only heroic efforts against the strongest odds terminated the Revolution, and completed the Confederation. Speaking of the Confederation, one of the Congressmen claimed "... every inch of ground is disputed and every jarring claims and interests are to be adjusted among us ..." Nevertheless, the idea of a union was in the minds of many

1 Cont. Cong., VII, 5.
2 Burnett, II, 360, 361, 362.
3 Ibid., Preface xvii.
members, even before a declaration of independence was signed. If the cause was to be carried through to a final break with England foreign aid must be obtained and such assistance could only come through a united colonial appeal. Hence, Richard Henry Lee's petition for independence also called for a Confederation.

On June 12 Congress formed a special committee of twelve members, one from each Colony ... to prepare and digest the form of a Confederation to be entered into between these Colonies ... its members were Josiah Bartlett of New Hampshire, Samuel Adams of Massachusetts, Stephen Hopkins of Rhode Island, Roger Sherman of Connecticut, Robert Livingston of New York, John Dickinson of Pennsylvania, Thomas M'Kean of Delaware, Thomas Stone of Maryland, Thomas Nelson of Virginia, Joseph Hewes of North Carolina, Edward Rutledge of South Carolina, Button Gwinett of Georgia; New Jersey alone was not represented.

The Committee set to work with zest and within a month presented a first draft of the Articles to Congress. Congress formed itself into a Committee of the Whole to consider these more closely. Thus began the heated disputes that would rack

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4 Ibid., II, Preface xv.
5 Cont. Cong., V, 433.
6 Ibid., 433, 434.
and tear at the very essence of this draft for over a year before the great work of confederation was completed.

When Carroll arrived in Congress in 1776 the vehemence was centered on three main difficulties, first, whether Congress should have power to limit the state lines of those Colonies with claims extending to the South Sea; second, whether each state should have a single vote or votes in proportion to population, or to wealth, or to exports and imports, or to a ratio of all; third, whether population or land values should be the criterion for taxation.

These were discussed practically every day from July 22 to August 10 during Carroll's first year in Congress. On July 25 Carroll took part in the discussion when Jefferson challenged Article 14:

> A perpetual Alliance, offensive and defensive, is to be entered into by the United States assembled as soon as may be, with the Six Nations, and all other neighboring Nations of Indians; their Limits to be ascertained, their Lands to be secured to them, and not encroached on; no Purchase of Lands, hereafter to be made of the Indians by Colonies or private Persons before the Limits of the Colonies are ascertained, to be valid: All Purchases of Lands not included within those Limits, where ascertained, to be made by Contracts between the United States assembled, or by Persons for that Purpose authorized by them, and the great Councils of the Indians, for the

7 Burnett, II, xvi.
general Benefit of all the United Colonies. 8

He claimed that this was equivocal and indefinite. Furthermore, the limits of the Southern Colonies were fixed. Why readjust them? His state, Virginia, felt the South Sea its ultimate boundary. Why ascertain it? On this, he moved that the Article be amended and that Congress purchase all land not within the boundaries of a Colony.

Chase was quick to oppose this. He brought up an objection that divided the Congress into opposite camps for over a year - no state has a right to go to the South Sea. Such a claim would be destructive to the state itself and to all others. Wilson bolstered Chase by saying that such a grant to Virginia had been given under a mistaken notion of geography that the South Sea was within 100 miles of the Atlantic ocean. 9

However, this was not the end. The same question was brought up again on August 2 when Sherman proposed to Congress that the bounds be settled. Again Chase reiterated his attack on Virginia. Harrison snapped back with the retort that just as Maryland had its right to its own land by Charter, so did Virginia to the South Sea.

Stone came in at this point to tell the group that it had

8 Cont. Cong., V, 549.
9 Ibid., VI, 1077.
taken up the wrong argument. He claimed the small Colonies had the right to happiness and security; but if they were joined in a confederation where the great Colonies are not limited this right could not be maintained. Again, Jefferson protested against the right of Congress to decide upon the rights of Virginia. Virginia had never claimed the land settled by Maryland and all other states, why then should they claim Virginia's. 10

It was not until Carroll was about to leave Congress in 1777 that this issue was brought to a vote. On October 15 it was proposed that if the Confederacy was to be made "firm and perpetual," it was essential that Congress ascertain the limits of each state's territorial jurisdiction; that each state place before Congress a detailed account of the land it possessed and the grants, treaties, or other documents by which this land was claimed. Congress defeated this, but Carroll and Chase voted for it. 11

However, the Marylanders had not lost all. Another proposal was put to vote. It asked that Congress have the sole right and power to fix the western boundaries of such states as claim to the Mississippi or South Sea, and lay out the land beyond the boundary into separate and independent states from time to time,

10 Ibid., VI, 1083.
11 Ibid., IX, 807.
as the numbers and circumstances of the people thereof may re-
quire. Maryland's votes of Chase, Carroll, and Smith with
Elmer of New Jersey, were the only affirmative votes cast.

In these two rejected proposals were the beginnings of the
policy that was to end in the formation of the great Western
Commonwealth formed under the Northwest Ordinance of 1787 and
composed of free and independent territories bound together by
common interests under the direct control of the United States
Government. These were pioneer steps taken by Carroll, his
fellow Maryland delegates, and his own state to break down the
too extensive claims of the larger states to western land. They
strove for national unity at a time when provincial jealousies
and rivalries dominated the minds of America. But they fought
the fight alone to the bitter end. The other smaller states,
New Jersey, Rhode Island, and Delaware were silent and inactive.
Yet Maryland was undaunted despite defeat and great odds, hold-
ing firm to its opinion, refusing to confederate until these
lands should pass into the hands of Congress. And so it event-
ually happened. The Northwest Ordinance followed, a splendid
contribution of the Confederacy to the great legislation of the
United States, the basis today of United States' method for

12 Ibid., 807.
admitting territories into the Union as states. 13

The next important question came up on July 30 when Congress as a whole considered Article 17 which gave each Colony one vote in determining measures before Congress. Franklin was the first, that day, to object strenuously. If small states wished to share an equal vote with the four large ones let them, he argued, contribute equal amounts of money, men, and arms, for a confederation built on "the iniquitous principles of equal vote with unequal share of the burdens" was doomed to early death. Only a just and equitable distribution of right and obligation could cement a firm Union. 14

On August 1 Chase resumed this discussion. He realized that there could be no agreement on a union between large and small states because both approached it from opposite interests. The large states felt that their greater population and wealth could only be best served through a Congress of proportional representation. The small states on the other hand were convinced that their rights could only be secured against the stronger and wealthier aggressor through equal representation by

14 Cont. Cong., VI, 1079.
state. Chase perceived the radical difference. But was there a middle ground? He thought so - a Congress which allowed proportional voting on money matters, equal voting on all else.\textsuperscript{15}

Franklin would not agree and so reaffirmed his former position. John Adams backed him. He too wanted a Congress representative of the people, not of the states. He felt that the small states were laboring under an unwarranted fear that the four large states through united effort would dominate them. This was absurd, simply, because the large states had nothing but their bigness in common. Their distance, local interest, and business preoccupation vitiated against common interests or efforts against the small states. There accrued no advantage in such opposition.\textsuperscript{16}

Benjamin Rush of Pennsylvania felt that liberty was only safeguarded in such a representation of numbers. The Colonies had misapplied the word independence, for independence meant freedom, first for the individual not for the state from other states of America. States are dependent one on the other. He magnanimously concluded by stating that he was not pleading the cause of Pennsylvania but the Union. He entered the door of

\textsuperscript{15} Ibid., 1102.
\textsuperscript{16} Ibid., 1104.
Congress not as a Pennsylvanian but as a citizen of the United States. 17

Arthur Middleton of South Carolina argued that representation should be according to the amount each state contributed in men and money to the cause. 18 Yet the intensity of debate increased while the rift of opinion grew wider.

In an attempt to restore unanimity and harmony to a Congress fast heading toward dissolution and chaos Dr. John Witherspoon of New Jersey pleaded that the clause remain as it was and that the discussion be dropped lest such wrangling "diminish" the glory of the object, the union, depreciate the hope of victory, and "dampen" the ardor of the people. 19 This was to no avail.

And so the point lingered on in acrid controversy until October 7, 1777, when three proposals on this Article were put to a vote and defeated, while the original clause was passed by Congress. The first of these proposals to be voted down stated that Rhode Island, Delaware, and Georgia should have one vote in Congress while the others of the thirteen should have one for every 5000 whites, and when the above mentioned states exceeded

17 Ibid., 1081.
18 Ibid., 1081.
19 Ibid., 1079.
50,000, then each state would have a vote for every 50,000. The second proposed that each state should have one vote for 30,000 in determining measures in Congress, and each member thus elected to have one voice. The third wanted the vote to be proportioned according to the contributions or tax levied on each state. Carroll voted in the negative on all three of these proposals. Finally, the original clause passed Congress in the affirmative, with Virginia casting the only dissenting vote. 20

On the matters of taxation Chase again led the arguments when on July 29 he suggested that the word "white" be inserted in Article 11 which specified:

All Charges of Wars and all other Expenses that shall be incurred for the common Defence, or general Welfare, and allowed by the United States in General Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several Colonies in Proportion to the Number of Inhabitants of every Age, Sex and Quality, except Indians not paying Taxes, in each Colony, a true Account of which Inhabitants who are not slaves, shall be triennially taken and transmitted to Congress the Assembly of the United States. The Taxes for paying that Proportion shall be laid and levied by the authority and Direction of the Legislatures of the several Colonies, within the Time agreed upon by United States assembled. 21

He argued that Negroes were wealth not inhabitants nor members in a state who should be taxed. He proposed another amendment that

20 Ibid., 782.
21 Ibid., V, 548.
the taxes should be based on wealth. He recognized, however, that taxation by wealth, in theory, was ideal, but in fact inapplicable in the United States because of the divergent criterions of value in the various states. He hoped, though, that Congress would be able to work out some equitable norm for evaluating property so that this principle of taxation might be applied. These arguments were suitable for the southern slave owners, but not for the employer of laborers in the north. John Adams saw this, and immediately attacked Chase's views in defense of the north. He maintained that slaves and workmen are only rationally different when it comes to work, both have to be paid. Therefore, if slaves are to be counted as wealth and not taxable so should the laborers of the north. This fanned the flame of discussion. Verbal tussles over the value of a free workman and slave resulted. The question grew more involved and complex until Harrison stepped in as compromisor, suggesting that two slaves be counted as one white man. This did not satisfy the Northerners. Wilson claimed that that was a Southern concession not a compromise. Where was the benefit to the Northerner in such a proposal?

Witherspoon would have the land and houses of an individual taxed because these were the true indicators of a man's wealth. Finally Robert Treat Paine of Massachusetts urged that the original resolution be adopted. But this did not bring the
discussion to a conclusion. The question was brought up again and again until October 13, 1777, when the vote of Congress was taken on the resolve that the public expense be paid by each state according to the value of all property, except household goods and wearing apparel. But alas, this was rejected by a majority. But the next day a proposal was accepted that a tax determined by Congress should be placed on all survey grants of land with buildings and improvements. Carroll voted in the affirmative on this measure.

And so the discussion over the Confederation went on, but its actual formation was slow. When Carroll returned to Congress in May 1777, it was put aside more often for affairs of the moment, not that they were of greater importance but "... immediate and more pressing exigencies ..." as Carroll put it. Thomas Burke, a representative of North Carolina, wrote his Governor on May 23:

... that we have made no progress in the business of Confederation. A difficulty occurs, which, I fear, will be insupportable; that is, how to procure to each state its separate independence, and give each its proper weight in the public Councils. So unequaled as the states are, it will be nearly impossible to effect this; ...  

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22 Ibid., IX, 800.
23 Ibid., 801.
24 Rowland, I, 209.
Adams was not so gloomy about the outcome of the Article. He admitted that the work of the Confederation dragged on, but he did not despair of its final success. The large and small states could eventually be reconciled on common policy. Car- roll thought so too, but he was skeptical about the ultimate product. He wrote to his father on June 26:

I am pleased to find a very considerable, nay, a very great majority of Congress as anxious for a confederacy as I am ... the necessity of this measure is now obvious almost to every man, yet I fear the Confed­ eracy will not be formed on principles so mutually advantageous as it ought or might be, in my opinion an imperfect and somewhat unequal Confederacy is better than none.27

When Carroll left Congress in July the Articles still languished from neglect. The grave matters of the Schuyler Contro­ versy in the Northern Department occupied the whole of Congress' attention. Samuel Adams called it "a kind of fatality" that still prevented the Congress from proceeding "in the important matter of Confederation."28

When Carroll returned in September still other matters oc­ cupied the attention of Congress until October; from then on Congress resolved to consider the Articles daily. By the 10th

26 Ibid., 374.
27 Carroll Papers, V, 23.
28 Burnett, II, Preface xix.
of the month one vast point had been accomplished, the votes were to be by states not by the representatives present. The question of taxation was still being discussed. Two days had been spent in trying to revise the original Article until a suitable clause could be shaped to the satisfaction of all. Wise and foolish were the suggestions put forth in debate.

Nothing was accomplished. Of this stalemate Carroll wrote to his father on October 5:

> The Congress still continues the same noisy, empty and talkative Assembly it always was since I have known it. No progress has been made in the Confederation tho all seem desirous of forming one; a good Confederation I am convinced would give us great strength and new vigor ... 30

Despite the prolonged wrangling, the members of Congress were most anxious to finish the Articles as soon as possible. They still realized that the salvation of their state depended on it and that no foreign nations would recognize them, publicly, until they were united as one in a Confederation.

Some of the business before the Congress just before Carroll left this Assembly in 1777 was concerned with the makeup and powers of Congress. They were discussing the proposals that

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29 Ibid., 515.
30 Carroll Papers, V, 38.
31 Ibid., II, 514.
no person be allowed to serve more than three years of any term of six years; nor any state be represented by less than two and no more than seven members. These issues received an affirmative vote of Congress on October 14, Carroll voting yes on all three. 32

When he finally left, Congress had determined by vote the three great problems of representation, the mode of voting, and the limitations of boundaries to the South Sea. With this important part of the Article finished many of the members, as did Carroll, took leave of Congress on October 16. This perturbed those who remained so that they set to work with "nervous energy" to complete the remaining Articles, "revising, striking out, substituting, but pushing rapidly toward the completion of the instrument," 33 so that by November 15 the completed text was ready for ratification by the States.

This document was not what was intended. The members did not shout with joy at its completion. They were called by rotation to sign the completed work. Silence reigned and a great solemnity rested "upon the minds of all." 34 Adams thought this work "a rope of sand" that would be found inadequate for the

32 Cont. Cong., IX, 801, 802, 803, 804.
33 Burnett, II, Preface, xx.
34 Burnett, II, 515.
purpose, and would be dissipated within ten years.\textsuperscript{35}

Ratification came slow if not slower than the formation. Maryland refused to ratify this document until it was amended in three points. This State wished, firstly, that part of Article 4 should read, "... one State shall not be burdened with the maintenance of the poor who may remove into it from any of the others in this union;" secondly, that Article 8 be changed in part from "granted to or surveyed for," to "... or which shall hereafter be granted to or surveyed for any persons;" thirdly, and most important of the three, that Article 9, have added after the words, "shall be deprived of territory for the benefit of the United States," the insert,

\begin{quote}
The United States in Congress assembled, shall have the power to appoint commissioners, who shall be fully authorized to ascertain and restrict the boundaries of such of the confederated states which claim to extend to the River Mississippi, or South Sea ...\textsuperscript{36}
\end{quote}

Carroll and Plater, the delegates of Maryland in Congress, on June 22, 1778, presented these amendments to the Assembly that day. The first two were immediately rejected; the third hotly debated and voted upon in the negative the next day.\textsuperscript{37} Carroll had urged these amendments in Congress simply because his state

\begin{footnotes}
\item[35] Ibid., Preface, xxii.
\item[37] Ibid., 631, 634, 635.
\end{footnotes}
ordered him to do so; but if they meant the death of the Confederacy he wished them set aside. With the rest of Congress he felt that:

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, 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 consequent on such an event, and the many dangers and evils, which may arise from partial Confederacies ... have determined some States to accept the present Confederation, altho' founded 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 ... 38

Finally, after Carroll had been away from Congress for years the Articles of Confederation were ratified, with all their original weakness. Yet, no matter what their weaknesses, it will ever be remembered as a great step, during the time of bitter sectional strife, toward a more perfect union under the present Constitution of the United States. Carroll was among the patriotic members of Congress who made this step possible.

38 Burnett, II, 314.
Carroll's ardent defense of Washington against the members of the Conway Cabal was a fitting conclusion to his labors in Congress. In his public convictions he always thought with Washington. This can not be said of all the members of Congress. For by January 1778 there had been well established a strong faction in Congress and on the Board of War against the Commander-in-Chief. A striking proof of this was shown early in November 1777 when Congress would not accept Conway's resignation from the Army but rather saw fit to raise him to the rank of major general, even despite Washington's strong verbal protestations to such a promotion.\(^1\) They were fully aware, at the time of the appointment, that Conway was carrying on open intrigues against Washington. But these men were determined "to assassinate" another "Character of the friends of America."

\(^1\) Sparks, V, 493.
The Conway Cabal counted its three main leaders outside of Congress, Gates, Mifflin, and Conway. Each with ambitions and each with great hostilities against Washington. Gates wanted the Supreme command; Mifflin and Conway, higher ranks than they had. These three pursued a wicked scheme against Washington.

Their first attacks were on his generalship. They spread insidious tales about the wretched conduct of the Army, pointing out what they thought the unnecessary failures and foolish blunders in strategy. Gates, on the other hand, was held up as the great victor because of his defeat of Burgoyne in the Northern Department, a splendid show of military skill. He was pictured as the man to bring order out of chaos in the wretched American Army.

Their task was not an easy one; to attack Washington was to oppose the people. Both the friends and enemies of Washington admitted that he was greatly admired by the people in and out of the Army.

In Congress these three Cabalers attempted complete control of the newly organized War Board, which admitted three military men not of Congress as members. On November 7, General Mifflin,

2 Ibid., V, 514.
3 Cont. Cong., IX, 819, 820.
Colonel Robert H. Harrison, and Colonel Pickering were elected members, all friends of the Cabal. On the 24th Mifflin petitioned Congress that Gates be made President of the Board because of his military skill. Such a man, he felt, would best be able to carry on a thorough reformation of the Army in such a position. And so on the 27th Gates became the President of the Board, and Thomas Trumball, a fellow caballer, a Board member.

The plot was succeeding. Of this Board James Craik wrote to Washington on January 6, 1778: "... the new Board of War is composed of such leading men as will throw much obstacles and difficulties in your way, as to force you to resign."

And they did make many attempts, but Washington overcame all their attacks. One of their opportunities came on January 10, 1778 when Congress decreed through the urgings of the Board to send a special committee composed of three members of the Board and three of Congress to investigate the state of Washington's Army at Valley Forge. Great powers were given the group, dangerous powers in the hands of Washington's enemies. On the same day Francis Dana, Nathaniel Folsom, and Joseph Reed, were the Congressmen chosen for the Committee; Gates, Mifflin, and

4 Ibid., 959.
5 Ibid., 971.
6 Sparks, V, 494.
Pickering, the Board members chosen, on the 12th - a stroke of fortune for the plotting Cabal. 7

This good fortune was not to last, for on the 20th Gouverneur Morris and Charles Carroll were added to the group, confirmed friends of Washington. 8 This last appointment and the noble heroic conduct of Washington throughout the investigation made this trumped up scheme of the Cabal to remove Washington from the Army a boomerang on their heads and a weapon of defense for the Commander-in-Chief.

In the meantime the fiendish plottings of the Cabal were coming before the public eye. In October 1777 Colonel Wilkinson, aide-de-camp of Gates, fell in with Colonel McWilliam's aide to Lord Stirling, a friend of Washington. Wilkinson under the influence of liquor freely spoke of the malicious information in a letter from Conway to Gates. He blurted out that Conway had written to Gates: "Heaven has determined to save your Country, or a weak General and bad counsellors would have ruined it." 9 Washington was informed of this message. He immediately called Conway to give an account of himself. Conway was confused;

7 Cont. Cong., X, 41.
8 Ibid., 67.
9 Sparks, V, 492.
after leaving Washington he wrote to Gates telling him all. Gates in bewilderment urged Washington to reveal the name of the person who had supplied him with the letter and its contents, all the while offering excuses for having received such a vicious letter from Conway. Washington answered saying he did not have the letter but suggested to Gates that he publish a copy of it to show that there was nothing harmful to the cause in its contents. Gates refused, claiming that it was a personal letter. Washington's return letter expressed surprise that a letter so private should have had such a wide circulation among some members of Congress. Gates was baffled.10

By February 18 the letter was turned over to Colonel Fitzgerald, Washington's aide-de-camp, by Mr. Laurens, the President of Congress. Its contents were shockingly worse than the blurted out message Wilkinson had revealed at Reading. Fitzgerald sent an extract of it to Washington which read:

What pity there is but one Gates! But the more I see of this army, the less I think it fit for general action under its actual chiefs and actual discipline. I speak to you sincerely and freely, and wish I could serve under you.11

Washington read this and returned the following answer to

10 Ibid., V, 506.
11 Ibid., V, 511.
his Aide:

... I thank you sincerely for the part you acted at York respecting Conway --- and believe with you that matters have and will turn out different to what that party expected. Gates has involved himself in his letters to me in the most absurd contradictions; Mifflin has brought himself into a scrape that he does not know how to get out of ... and Conway, as you know, is sent upon an expedition which all the world knew, and the event has proved, was not practicable. In a word, I have a good deal of reason to believe that the machinations of this junta will recoil upon their own heads, and be a means of bringing some matters to light which, by getting me out of the way, some of them thought to conceal.13

In a letter of March 17, 1778, Colonel Fitzgerald relayed to Washington Carroll's concern in this matter:

Mr. Carroll, with whom I stayed a day or two on my way here, was very uneasy at a report having prevailed that a combination was formed in Congress against you, and gave me the strongest assurance that he never heard a member of this House utter a word which could be construed into the least disrespect for you, except once, and then the gentleman was so warmly replied to from different quarters that, he has since been silent upon that head ... 14

And on June 7, 1778 Conway threw further light on Carroll's strong loyalty toward Washington when he wrote to Gates from York:

12 Congress was then meeting at York.
13 Gurn, 92.
14 Ibid., 93.
I never had a sufficient idea of cabals until I reached this place. My reception, you may imagine, was not a warm one. I must except Mr. Samuel Adams, Colonel Richard Henry Lee, and a few others who are attached to you, but who can not oppose the torrent ... One Mr. Carroll from Maryland is one of the hottest of the cabal. He told me a few days ago, almost literally, that anybody that displeased or did not admire the Commander-in-Chief ought not to be kept in army ... 15

Carroll and the other friends of Washington kept Congress from assassinating the man about whom Carroll said: "... this man cannot be too much admired ..." 16

The Cabal finally collapsed. Early in 1778 Gates was sent back to the Army; Wilkinson resigned as secretary of the Board; Mifflin was forced to resign as Quartermaster General; and Conway was replaced by Baron von Stuben as Inspector General. 17

Soon after this Carroll finally decided to leave Congress, and so departed on June 27, 1778. He wrote to Franklin telling him why he left:

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 to much,

15 Ibid., 94.
16 Carroll Papers, V, 423.
17 Smith, 180.
that I thought I might spend mine much better than remaining a silent hearer of such speeches as neither edified, entertained or instructed me ... 18

Congress thought very differently about him and his usefulness. They wanted to make him their new President. Of this the newly arrived French Minister Conrad Alexandre Gerard wrote to Count de Vergennes in November 1778:

Congress is at present embarrassed with the choice of a new President ... For that office a man active and talented is required, and with a fortune that would permit him to make some appearance. Mr. Carroll of Maryland is the one thought of ... but it is feared he will not accept. 19

He did not accept, but returned to Maryland, there to spend many active years in the State Senate. He returned once more to national politics when he was later elected Senator from Maryland to the First United States Senate under the new Constitution. And today Carroll is remembered as one of America's immortal heroes because he truly "rendered great, essential and disinterested services and benefits to his country."
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Date

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