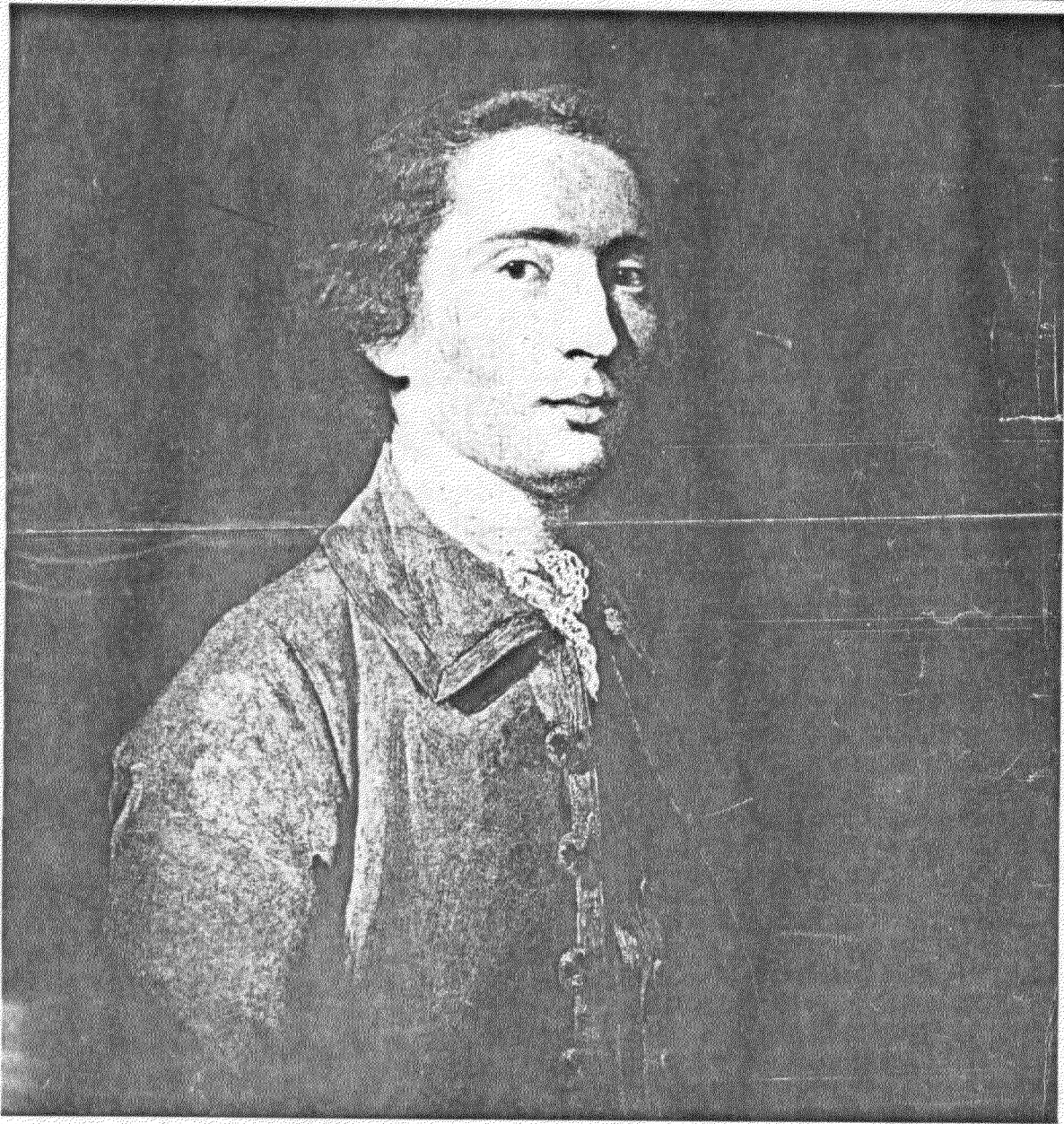


THE SUN MAGAZINE

Sunday

THE SUN BALTIMORE, MD.

SEPTEMBER 9, 1973



Charles Carroll of Carrollton

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

MARYLAND GAZETTE.

T H U R S D A Y, F E B R U A R Y 4, 1 7 7 3.

THE FIRST CITIZEN to the editor of the Dialogue between TWO CITIZENS.

S I R,

THE intention of this address is not to insist you to throw off a disguise, and to assume a real character; for I am not one of those who have puzzled themselves with equalled conjectures about your mysterious personage; a secret too deep for me to pry into, and if I know, not of much moment; as of little is it in my opinion whether your complexion be olive or fair, your eyes black or gray, your person frisk or insouciant, your deportment easy and natural, insolent, or affected; you have therefore my consent to remain concealed under a borrowed name, as long as you may think proper, I see no great detriment that will thereby accrue to the public; you will be the only person who will be able to give an account of your several

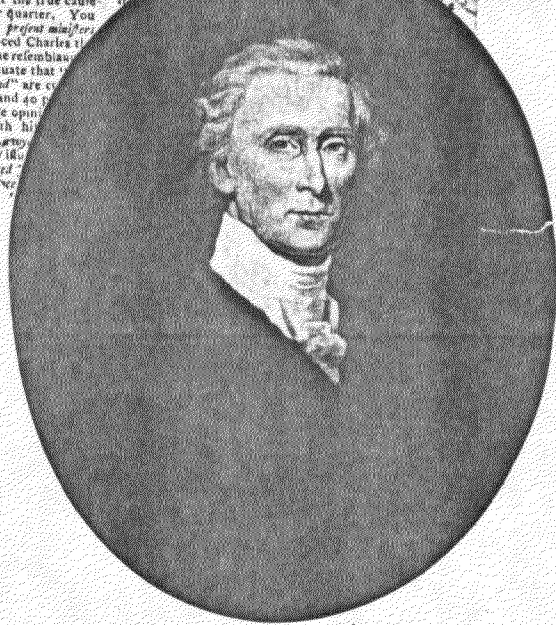
of CP. I do not like such home expostulations, convince me that I am wrong in supporting Government and I will alter my conduct, no man is more open to conviction than myself.—(The Dialogue to the words—"could be all fair argument.")

of CP. I do not suppose that the threadbare topics of arbitrary princes, and proclamations, should give you uneasiness; you have indicated that the repetition of them is trifling, but I suspect the true cause of your aversion proceeds from another quarter. You are afraid of a comparison between the present ministers of this province, and those who influenced Charles the first, and brought him to the block; the resemblance of affairs you would be striking. You insinuate that the "opinions of the greatest Counsel in England" are in your hand, in favour of the proclamation, and so you and you seem to lay great stress on those opinions; little reflection, and acquaintance with his teaching you, that the opinions of *Coerr Lewo* are to be relied on; remember the ill-fated "The *un-^{re}dicted or prophesied*" (to be *g*)

conceal, and if possible, a void obliquity—you say—I know not what or whom I mean by you, and the friends of the constitution—I will tell you, Sir, whom I do not mean, from whence you are absent at those, whom I

By friends whose whole attention is directed to the preservation of the present state of things, and who are not

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



CHARLES CARROLL AS CATALYST

By THOMAS O'BRIEN HANLEY

TWO HUNDRED years ago the *Maryland Gazette* of Annapolis carried the great debate which turned Maryland down the road to revolution and independence.

This weekly newspaper was widely read. Daniel Dulany, one of the participants in the debate, was well-known as Lord Baltimore's Attorney General in America, an office his father held before him. Charles Carroll of Carrollton, his challenger, was little known to the public at large. But from 1773 onward he rapidly rose to eminence, becoming a

The author is the biographer of Carroll and editor of his papers. His latest book is "The American Revolution and Religion, Maryland 1770-1800." He is resident lecturer at Loyola College, Baltimore.

signer of the Declaration of Independence and leader of the Revolution. It was this debate that cast him in that role.

What was more important than his personal triumph in the debate was the way he awakened the surge to independence. Dulany had chosen to defend Gov. Robert Eden's proclamation of law without the approval of the Assembly. Here Carroll made his attack: The proclamation was a tyrannical act of taxing Marylanders without their consent. Joined to his case against corruption and arbitrary government on the part of England in America, this issue gave Marylanders, and in time other Americans their reasons for an independence movement.

His published opposition to the governor and Dulany was probably unexpected by most Marylanders. To Thomas Johnson, later first governor of Maryland, it was no surprise. He had seen the statesman's gifts in this heir to the largest fortune in America. Sir Joshua Reynolds, the famous London portraitist,

had delineated them for posterity in the masterpiece created by Carroll in 1763.

When Carroll returned from England in 1764, a friendship with Johnson grew particularly in their common concern at the erosion of freedom in America. Johnson brought him into association with two other Marylanders, Samuel Chase and William Paca, who would three years hence join him and Carroll in signing the Declaration of Independence.

Carroll's role as spokesman in the 1773 *Maryland Gazette* came out of the action of Johnson, Chase and Paca the previous year. As members of the Lower House of the Maryland Assembly they rebelled against Governor Eden's decree of taxes on Marylanders. These leaders, who called themselves the Independent Whigs, declared the change in law regarding tobacco and the fees paid to provincial officials appointed by the governor a violation of the Maryland Charter and the traditional rights of Englishmen.

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

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

Continued on Page 19

Charles Carroll of Carrollton

Continued from Page 17

'there is no liberty
if the power of judging be not
separated from the legislative and
executive powers'

name of First Citizen, which would far more vigorously present the case of those opposed to the proclamation. He would also point out Dulany's error in reasoning about the measure.

Carroll's first letter of February 4 took Dulany by surprise and put him on the defensive from which he never recovered in the four installments which followed. Dulany had denied that the proclamation of fees for government officials was a tax. But the ordinary citizen who paid fees in tobacco and a host of other transactions, Carroll said, knew otherwise.

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

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

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

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

The Independent Whigs and letters from the public in the *Gazette* testified how faithfully Carroll had represented their aspirations. "Public gratitude," wrote William Paca, "for public service is the patriot's due." And it came from

all quarters. One writer said that Carroll was "no less elevated by nature than fortune, and that his mind, enriched with knowledge bears the true stamp of honor and dignity."

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

The most recent episode of conflict had involved young Charles Carroll shortly after his return from England. The Carrolls charged the Dulanys, who

were joint owners of the Baltimore Iron Works, with inaccurate accounting of company funds. Daniel's brother, Walter, wrote insults against Carroll to precipitate a duel. Carroll faced up to the threat and Walter Dulany backed off.

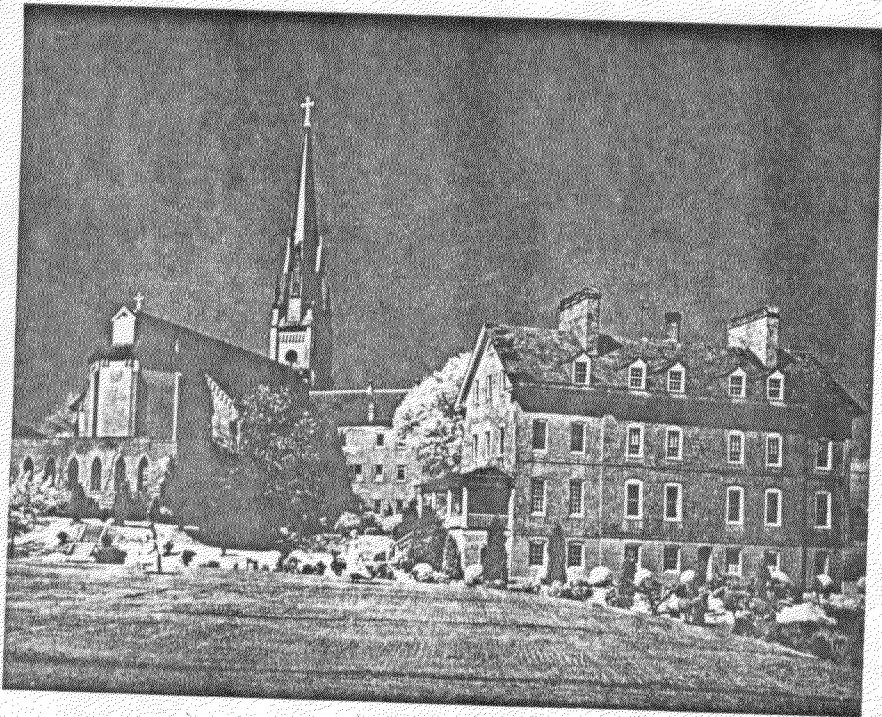
SOME of the language of that encounter was brought out again by Daniel Dulany in the *Maryland Gazette* debate of 1773. He mocked Carroll for his diminutive stature and frail build, "a puny weakling and silly puppy." Carroll was dominated by a corrupt father. Dulany questioned the propriety, if not the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

All this only deepened the defeat that was about to fall on Dulany. Something of a public triumph occurred following

Carroll's fourth letter on the eve of the election of assemblymen for the new sessions. All of the Independent Whigs and others opposed to the proclamation were re-elected by a wide margin.

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

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



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