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## The American military and the Congress, 1775-1789: Civil-military relationships

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THE AMERICAN MILITARY AND THE CONGRESS  
1775-1789  
CIVIL-MILITARY RELATIONSHIPS

A Thesis  
Presented to the  
Department of History  
and the  
Faculty of the Graduate College  
University of Nebraska at Omaha

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

by  
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THESIS ACCEPTANCE

Accepted by the faculty of the Graduate College of  
the University of Nebraska at Omaha, in partial fulfillment  
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## PREFACE

In any discussion of military-state relationships relative to the formation of the first American army and government, one must consider the fact that Americans feared the military due to their pre-revolutionary experience. As colonists they formulated their own ideas on what the American military should be. The militia concept appeared to fill their needs. Forced into a war for which they were totally unprepared, they gradually formed a government and the military force that would produce a victory. However, the road to that victory was paved with frustrations, both military and governmental.

This thesis attempts to correlate some of the civil-military relationships that existed during the years 1775-1789, and their effects on the government finally established after the Revolutionary War. From the data collected and researched, the profound and significant fact that surfaced was the problem of finance and how it concerned military-governmental relations. The sufferings of the American Revolutionary Army were brought about by the lack of authority in the then existing government. This in turn caused the threats of mutiny and disintegration of units of the military, and later produced what has been adequately



termed an attempted coup d'etat. That the Army lacked supplies, subsistence and pay, is fully documented. That it suffered beyond what might be considered reasonable for any army is fully substantiated. Nor should one be surprised to learn that out of these sufferings there arose a demand for a strong central government, headed by a strong executive and able to tax and govern the states within the Union.

At the start of hostilities the Continental Congress faced innumerable problems relative to organization of the military necessary to conduct the war. Lacking an adequate taxing power the Congress could not provide the necessities for its army. Gradually the problems of discipline mounted, finally culminating in what can be termed, major uprisings. Adoption of the Articles of Confederation did not alleviate the problems of finance which finally resulted in the Newburgh Affair. Facing disbandment without the compensations promised, the army posed a possible threat to the constituted government. In the short span of three months, March through June, 1783, the Newburgh affair, organization of the Society of the Cincinnati, and the mutiny against Congress, are seen as major events by this writer. Newburgh and the mutiny pointed out a salient fact; government under the Articles was inadequate. Organization of the Society mobilized the discontented officers into a powerful elite that would later play a role in establishment of a strong central government.

This thesis outlines some of the American attitudes pertinent to the military, the causes of mutinies within the army, the resulting threats to government, and their effects on establishment of the government that finally resulted.

## CHAPTER I

### INTRODUCTION

#### AMERICAN ATTITUDES TOWARDS THE MILITARY PRECEDING THE REVOLUTION

In contemporary American society the military-state relationship is once again the subject of controversy. Threats to the liberties of the people are again considered a possibility. In his "Farewell Address" to the American people, President Dwight D. Eisenhower declared, January 17, 1961, that:

In the Councils of Government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the high industrial and military machinery of defense and our peaceful methods and goals, so that security and liberty may prosper together.

Although no industrial complex existed during the period that preceded the revolution, Americans were conscious of the possible rise of misplaced power. Perhaps this remarkable fact was the single most important truth about the

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<sup>1</sup>Henry Steele Commager, ed., Documents of American History 2 vols. (New York: 1968), Vol. II., pp. 666-668.

formative years of the republic. If possible threats to liberty can be envisioned in the twentieth century, one can understand the early American attitudes that prevailed prior to the start of hostilities in 1775.

Any study of the military during the formative years of the nation must consider American attitudes in regards to the military-state relationship. The early American experience under British rule provided the colonists numerous opportunities to weigh and assess just what this relationship should be. Control by a military regime could reduce the influence and power of their colonial assemblies. As they moved from the initial stages of colonization and developed their own solutions to the problems encountered, they viewed the military as a threat to their liberties. Gradually they established in their own minds the specific relationship that should exist between the military and the state.

Colonial Americans, especially the intellectuals, could look to the writers, radicals and philosophers in England for the warnings in regard to "despotic kingdoms." These early Americans were English and they shared the belief that, though threatened at times by despots who surfaced in their midst, unlike other nations, they had managed to control the abuse of power.<sup>2</sup>

There was the example of the Turks, whose rulers--cruel, sensuous "bashaws in their little divans," were

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<sup>2</sup>Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge, Mass: 1967), p. 62.

legendary, ideal types of despots who reigned unchecked by right or law or in any sense with the consent of the people. Their power rested on the swords of their vicious janissaries. Despotic kingdoms included Poland, Spain and Russia.<sup>3</sup>

Robert Molesworth's book An Account of Denmark, 1694, presented an object lesson to men of the Enlightenment. The book was half a political pamphlet in support of revolution principles. It established the general point, that the preservation of liberty rested on the ability of the people to maintain effective checks on the wielders of power. Vigilance and the moral stamina of the people was required. It was this lack of vigilance on the part of the people that brought Denmark to its knees; a corrupt nobility had allowed a standing army which destroyed the constitution and the liberties of the people.<sup>4</sup> Molesworth had served as envoy to Denmark in 1692, and later served in the Irish Parliament as a member from Dublin, 1695-1699.

Colonists preferred to go to English writers in the Whig tradition for their ideas relative to liberty. Among these were the estimable team of John Trenchard and Thomas Gordon. They cooperated in the production of the "Independent Whig," from 1720 to 1721. Trenchard had written a tract called "A Standing Army is Inconsistent with a Free Government," 1697. It pointed out that there was... "no worse state of

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<sup>3</sup>Ibid., p. 63.

<sup>4</sup>Ibid., p. 65.

thraldom than a military power in any government, unchecked and uncontrolled by the civil power." Trenchard noted that "An army unchecked by the civil authorities were nothing more than; gangs of restless mercenaries, responsible only to the whims of the rulers who paid them." He saw this as the ability to destroy all right, law and liberty.<sup>5</sup>

Probably also available to Americans were the writings of the Earl of Shaftesbury, Anthony Ashley. According to J.G.A. Pocock, writing about political ideologies in the eighteenth century, Shaftesbury had written in one of his tracts:

A standing Parliament and a standing army are like those Twins that have the lower parts united, and are divided only above the Navel; they were born together and cannot long outlive each other.

And:

The same might be said concerning the Ancient and true strength of the Nation, the Legal Militia, and a Standing Army. The Militia must, and can never be otherwise than for English Liberty, because else it does destroy itself; but a standing Force can be nothing but Prerogative, by whom it hath its idle living and Subsistence.<sup>6</sup>

The Earl of Shaftesbury accepted the principle of a militia for it was of the people; therefore the people must be for the support of their own freedoms and liberty.

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<sup>5</sup>Clinton Rossiter, Seedtime of the Republic. The Origin of the American Tradition of Political Liberty (New York: 1953), p. 141., Bailyn, Ideological Origins, p. 62.

<sup>6</sup>The Earl of Shaftesbury as quoted in, J.A.G. Pocock, Politics, Language and Time (New York: 1971), p. 126.

Learned Americans could also turn to the philosophers of the Enlightenment. These writers definitely viewed the military as a threat. Francois Voltaire called soldiers "hired murderers and the scum of the nation, poor devils in cheap blue cloth." He felt that war damaged the peoples who were not parties to the cause threshed out by arms. Robert Jacques Turgot, who was Minister of Finance for the French nation, 1774, called war and conquest "mere abberations of crime." Francois Quesnay considered a standing army the "most unproductive of all estates, which ought to be replaced by a militia." Jean Jacques Rousseau said "armies were the pest that depopulated Europe, ...He wanted an army in the Swiss manner." Rousseau saw every citizen as a soldier from duty, none by profession. His concept was "every citizen shall be ready, but only when the need calls for it." The Baron de Montesquieu denounced as a new epidemic the desire of kings to enlarge their forces endlessly; "each king" he said, "was maintaining too many troops and thus grinding down his people to starvation." Montesquieu was afraid it might destroy the three powers of government if too much strength was given to the prince at its head. He left it to the legislature, "to dissolve the army if it found it appropriate."<sup>7</sup>

These were the profound concepts and ideas that early Americans were able to digest, study and analyse, as they moved toward the institution of state assemblies, colonial

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<sup>7</sup>Alfred Vagts, A History of Militarism. Romance and Realities of a Profession (New York: 1937), pp. 78-79.

governments, and rule of themselves. They were colonists to be sure. However, they knew and understood the principles that made liberty a fact, the means in which liberty could be lost. Power in the hands of the military they knew to be a strong force that could destroy their liberties. Its control by civil authority was a necessity.

In addition to the theorists, the colonists acquired attitudes concerning military power from the practical experience of settling America. In establishing the colonies they were forced to defend themselves against Indians who occupied the continent. Threats also existed from the Dutch, Spaniards and French also seeking to establish roots in North America. Necessity required that they defend themselves and it was here that the American concept of militia organization was born. John Shy notes that the militia was "a mirror of early American political and social structure."<sup>8</sup>

If one takes a close look at how the colonists defended themselves, the connection between the military experience and political behavior is readily recognized. It was difficult to separate the soldier from the ordinary citizen. This was true in Virginia, Plymouth, and Massachusetts Bay colonies. In 1632, every Sunday was set aside by Virginians for military training. Ten years later, as the Indian threats diminished, training was conducted on a monthly basis. County commanders

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<sup>8</sup>John Shy, Toward Lexington. The Role of the British Army in the Coming of the American Revolution, (Princeton, New Jersey: 1965), pp. 3-4.



were empowered to levy or draft the type and number of men required. Military organizations in the early years of colonization were determined by the existing threats.<sup>9</sup>

The mercantilist era of British colonization assumed that the colonies were to support themselves, and to contribute to the military strength of the mother country. In 1696, John Locke, in a report to the British Board of Trade noted, that there was adequate force in the colonies to repel the Indians and French. He recommended that the colonial governors be commissioned to, "raise, unite and employ the militia of charter, proprietary, as well as Crown colonies."<sup>10</sup>

The militia could also serve as an offensive unit, an idea adopted by the colonists especially when the European wars spread to the American Continent. From the beginnings of colonization Americans had been looking for the elimination of the French and Spaniards. Expeditions to do this required volunteers, for six months or longer to augment the British regulars. Expeditions against Quebec, Nova Scotia and Florida called for thousands of men. Most expeditions began as a mixture of "crusade and migration." Volunteers who were commissioned probably had held rank in local militias. When the King gave blank commissions to the royal governors for officers to recruit men, Americans gladly accepted. This was especially so in the expeditions against the West Indies in

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<sup>9</sup>Ibid., p. 6.

<sup>10</sup>Ibid., p. 4.

1741, and in the campaign against Cape Breton in 1745-1746. About twenty per cent of the Massachusetts militia served in the force of about 6,000 men. The authentic military titles received and the half pay for life after the campaign, were strong inducements for military service. Other Americans enlisted because they knew officers, or, were attracted to the service by enlistment bounties, high pay, freedom from impressment or the chances to plunder.<sup>11</sup>

The colonists did see the need to assist the mother country in her wars to rid the continent of other Europeans. They saw the danger to themselves. However, their dedication to the militia concept remained strong. This dedication found expression in Cato's Letters, 1721. The letters or essays on liberty pertained to civil, religious and other important subjects that included the idea of a militia. Written by John Trenchard who had earlier expressed his views relative to standing armies, they found wide acceptance in the colonies. In one essay on "Military Virtue produced and supported by civil Liberty only," the idea that people in a free country work for themselves and fight for themselves was suggested. If an attack is made against a free state, every man will fight to defend it, because every man has something to defend in it. Man in a free state "is in love with his Condition, his Ease, and Property, and will venture his life rather than lose them."

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<sup>11</sup>Ibid., pp. 14-15.

Trenchard noted that every man in a free state is a soldier or can be quickly made one. In war they improve in each campaign. The thoughts expressed strong support for the militia.<sup>12</sup>

And yet even the militia was not to be completely trusted. In February, 1756, a plan for "An Association for Promoting Military Discipline Among the Freemen of Pennsylvania," offered to the citizens of that colony an opportunity to serve in a militia without the stern British regulations pertinent to discipline. The association proposed permitted the selection of its own officers by the freemen, and commissions for them from the governor. An extremely important provision stated that the members would recognize the authority of the officers appointed, however:

Such officers shall have no Power to lead us to any duty or Service without our own consent, unless a proper Militia Law is first obtained equally binding on all his Majesty's Subjects in this Province, who being equally free, are therefore intituled to equal Privileges and Immunities.<sup>13</sup>

This is one of the early indications that Americans felt strongly about their civil liberties, especially in regards to the military.

The role of the militia began to decline and American attitudes relative to military-state relationships also began

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<sup>12</sup>John Trenchard, ed., Cato's Letters, or Essays on Liberty, Civil and Religious, And other important Subjects, 4 vols. (New York: 1969), Vol. I., pp. 277-278.

<sup>13</sup>Leonard W. Labaree, ed. et. al. The Papers of Benjamin Franklin 18 vols. (New Haven: 1963), Vol. VI., pp. 416-418.

to undergo important changes at the outbreak of the war with the French in 1754. As early as 1721, the Board of Trade sought some system of unified control over the colonies. In 1754 the strengthening of this control was paramount.

General Edward Braddock arrived on the continent to become the first over-all commander of the British forces. Americans were now permitted to view at close range the operations of the British army. Immediately, a series of problems arose which challenged the traditional colonial view of the military.<sup>14</sup>

Braddock had private instructions, November 1754, which directed him to acquaint himself with what the colonies had done to pay for the cost of troops. If they had not contributed sufficiently to the Common Fund, he had authority to request monies from the paymaster in North America. The colonies were expected to contribute to the costs of raising troops and fighting the war.<sup>15</sup>

Quartering of troops also became an issue. Parliament had enacted an annual Mutiny Act following the year 1689. In 1723, 1754 and 1756, certain provisions of the Act were made applicable to the colonies, but sections on quartering were not extended to the America until the war had ended. In early 1755

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<sup>14</sup>Carl Ubbelohde, The American Colonies and the British Empire, 1607-1763 (New York: 1968), p. 103.

<sup>15</sup>Stanley Pargellis, ed., Military Affairs in North America, 1748-1765. Selected Documents from the Cumberland Papers in Windsor Castle (New York: 1969), pp. 53-54.

General Braddock told the Pennsylvania Assembly that quartering was his province and that he would "take due care to burden those colonies the most that show the least loyalty to his Majesty." Edward Shippen, a wealthy Pennsylvania merchant, wrote his son: "The Assembly know not how to stomach this military address, but tis thought it will frighten them into some reasonable measures." Braddock did not live to carry out his threat. He was replaced by Lord Loudoun who resumed the campaign in America.<sup>16</sup>

Loudoun was aware that the legal basis for quarters was not properly defined. He was determined to obtain what was needed, by force if necessary. To one of his senior officers in September, 1756, he remarked, "As to quarters at Philadelphia and every other place... where I find it necessary to have troops, I have a right to them." The issue of quartering gained momentum. It presented a real danger to American liberty.<sup>17</sup>

The first time that the Pennsylvania Assembly met on a Sunday was in regards to the quartering of troops. Colonel Henry Bouquet, Commander of forces in Philadelphia, demanded quarters in December, 1756. He was under orders from Loudoun to take whatever quarters were required, by force if necessary. Governor William Denny was asked to issue a warrant to the

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<sup>16</sup>J. Allan Rogers, "Colonial Opposition to the Quartering of Troops During the French and Indian Wars," Military Affairs, Vol. XXXIV, No. 1. (February, 1970), p. 7.

<sup>17</sup>Ibid., p. 7.

sheriff authorizing Bouquet to quarter troops in private homes. Denny left the warrant blank, so that Bouquet would have a free hand. The Pennsylvania Assembly was outraged. Soldiers had a right to quarters in public houses, but not in private homes. Denny's reply was that "The King's Troops must be quartered." Incidents such as this awakened the colonists to power in the hands of the military.<sup>18</sup>

Wherever the English army violated what the colonists considered their rights as Englishmen, in regards to quartering, local political agencies reacted vigorously. In 1756 at Albany, New York, city officials clashed with army authorities. The New York Assembly had appropriated funds for the construction of barracks, although nothing had been done prior to the arrival of troops. Albany refused to quarter Loudoun's forces; the mayor of the city stating "he knew the law and that Loudoun had no right to quarters, storehouses or anything else." When the Council and the Mayor refused to furnish quarters Loudoun ordered his quartermaster to forcibly place soldiers in homes. Loudoun forced the residents of Albany to meet his demands, but he could not make them accept the argument he used to justify his high handed actions.<sup>19</sup>

In 1765 Parliament passed a quartering act for America which scrupulously avoided quartering in private homes. However, by this time the American claim was that their own

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<sup>18</sup>Ibid., pp. 8-9.

<sup>19</sup>Ibid., pp. 9-10.

legislatures and assemblies could enact the necessary laws. This was the assumption underlying the opposition to the Quartering Act that developed in Massachusetts, New York, New Jersey, South Carolina and Georgia. The First Continental Congress would also state this position about a decade later. Quartering created a lasting resentment between the military and the colonial governments and it hardened political attitudes. Colonial political leaders did not forget that military power had been used against them.<sup>20</sup>

Americans had other reasons to regard the British military with concern after 1763. In this era there were significant changes in relation to the growth of powers within the English military establishment. The Commander in Chief in the colonies had three main functions: (1) the exercise of supreme authority in spheres beyond the colonies to perform; (2) cooperation with the local governments in the suppression of civil disorders; (3) the assembling of information for the various ministerial offices. Added responsibilities included policing and administering the new territory acquired by Great Britain in 1763. The office became the single most important link between the colonies and the mother country. In 1766, a dispatch from Secretary of State Lord William Shelburne to General Thomas Gage asserted:

An intensive and confidential knowledge of the intentions of Government cannot be so properly entrusted to any of his Majesty's Servants in America as to the Commander in Chief of His Forces, who by the nature of

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<sup>20</sup>Ibid., pp. 9-10.

his Commission and his Trust, holds equal ties to all the Provinces and watches over the Safety of the Whole.<sup>21</sup>

The Commander in Chief was directed to give utmost attention to three areas of concern: the establishment of a proper system for the management of Indian affairs and their trade; the disposition of troops in North America; and a reduction of expenses. General Gage was to offer the government opinions on all these matters.<sup>22</sup>

The British government used this office as the most reliable source of information regarding colonial affairs. It recognized the importance of this military office. It cannot be assumed that the advice and information transmitted to the home government became official policies of the British government. Nevertheless the home government leaned more heavily on this office as a source of information than any other agency then in America.<sup>23</sup>

Of extreme importance was the manner in which Americans began to view the continental position after the French and Indian War. French threats no longer existed and they looked toward the west for expansion. The Proclamation of 1763, coupled with the stationing of British forces on the continent, appeared to be an attempt to restrict them to the seaboard.

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<sup>21</sup> Clarence Carter, "The Office of Commander in Chief: A Phase of Imperial Unity on the Eve of the Revolution," in The Era of the American Revolution, ed. by Richard B. Morris (New York: 1939), pp. 182, 211-212.

<sup>22</sup> Ibid., pp. 212-213.

<sup>23</sup> Ibid., p. 212.



They felt they required less dependence on the home country and an opportunity to pursue the dynamism of their own political societies. In England the theme was expansion and the foundation of a "Second British Empire." It sought more, not less control over the colonies occupied.<sup>24</sup>

Americans began to become extremely concerned with the policies pertaining to troops in America. During the period 1763-1764, Franklin exchanged letters with Richard Jackson, agent for Pennsylvania in London. They discussed the matter of sending ten thousand men to America, a policy under consideration by the British. Franklin felt that supporting such an army "not worth your while." Jackson replied that it was no use protesting. The number of troops did not matter. Important was the fact that they were being sent to protect the interests of Great Britain only. Further, some Parliamentary tax would be imposed on the colonies for their maintenance. It was taxation without representation for military forces the colonies did not desire.<sup>25</sup>

On the issue of taxes, John Dickinson in his "Letters from a Pennsylvania Farmer" felt that there were arbitrary designs on the part of the Crown. To Dickinson, the most important duties of legislatures were: (1) the administration of justice, (2) the defense of society, and (3) the

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<sup>24</sup>I.R. Cristie, Crisis of Empire. Great Britain and the American Colonies, 1754-1783, (New York: 1966), pp. 112-113.

<sup>25</sup>Leonard Labaree, The Papers of Franklin, Vol. II. pp. 33-36.

support of civil government. He condemned the raising of money for "our defense" without our consent, and in relation to administration of justice he was emphatic. Dickinson asserted that "judges ought, in a regulated state, to be equally independent of the executive and legislative powers." A chief danger was that life and death were placed in the hands of judges totally dependent on the Crown. They were sent to America probably filled with British prejudices, and backed "by a standing army supported out of our pockets, to assert and maintain our own dependence." In his letter XI, Dickinson correlates a standing army with the excise tax. Tracing monarchs from Henry the Seventh and his band of "fifty archers", to the excise taxes in the colonies, Dickinson acknowledges that "Tis true, that all the mischiefs apprehended by our ancestors from an army and excise, have not yet happened: But it does not follow from there, that they will not."<sup>26</sup> Americans of the period could understand the words of Dickinson and relate them to the conditions that prevailed. The advent of military forces to the continent, their lack of control of these forces and the burden of taxes for their upkeep, caused them to reflect. They could understand an improper military-state relationship existed between themselves and England.

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<sup>26</sup>Paul Leicester Ford. ed. The Political Writings of John Dickinson, 1764-1774 (New York: 1970), pp. 366-367.

Thomas Jefferson forcefully captured the full meaning of the proper military-state role in his "A Summary View, 1774." He accused the King of sending armed forces to the colonies in order to enforce arbitrary measures. They were not colonists and had not been authorized by the laws of colonial assemblies. If the King possessed such authority, it followed all other rights of the people were in jeopardy. The English forces sent, according to Jefferson, should be liable to the laws of the colonial legislatures. Jefferson saw the British military now as superior to the civil authority. He noted that it was the responsibility of every state to decide the number of armed men which they may safely trust in their midst, of whom they may consist, and under what restrictions they are to be laid. He accused the King of subordinating the civil to military authority. Jefferson concluded, "Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right."<sup>27</sup>

Earlier than Jefferson, Josiah Quincy, Junior, writing to the Reverend John Eagleson on September 15, 1768, described conditions at Boston. Quincy saw American liberties becoming an object of great concern. He noted that three British regiments were expected to arrive at the city and wondered what the deportment of the people might be. Quincy referred to the troops arriving as a standing army, "and that

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<sup>27</sup>Julian P. Boyd, ed. The Papers of Thomas Jefferson 19 vols.; (Princeton, New Jersey: 1950), Vol. I. pp. 132-134.

a standing army in the bowels of a state have in all ages and nations, thought and found to be, the bane of civil liberties." About the last of September the 14th and 29th regiments reached Boston from Halifax. They disembarked on October 1, 1768, and the stage was set for events that would bring on hostilities.<sup>28</sup>

Four months before Quincy wrote his letter, May, 1768, British Foot Guards fired into a crowd assembled in St. Georges Field, London. The crowd assembled was protesting the jailing of John Wilkes, who had been denied his seat in Parliament for a fourth time. Wilkes had opposed the Stamp and Townshend Acts, both important issues in the colonies. He was a major opposition leader in England against policies that usurped the constitutional rights of English citizens. Americans saw the incident as another step in the undermining of that constitution. Seven persons died in the assault; the most brutal killing was that of a boy of seven. The Virginia Gazette, August 18, 1768, published an account of the incident. Although not accurate, it was extremely important in dissemination of the news relative to the incident.<sup>29</sup>

It was an incident such as that at St. George's Field, which gave substance to what Quincy wrote in 1768. He asserted

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<sup>28</sup> Josiah Quincy, Memoir of the Life of Josiah Quincy, Junior, of Massachusetts (Boston: 1825), pp. 8-9. See also, Bailyn, Ideological Origins, p. 116.

<sup>29</sup> John Shy, Toward Lexington, pp. 395-396. Bernard Bailyn, Ideological Origins, pp. 114-115. The Virginia Gazette, August 18, 1768. The Gazette published an inaccurate account, however, its importance was dissemination of the news of the event.

that, "the supreme power is ever possessed by those who have arms in their hands and are disciplined to use them." He saw absolute supremacy in a "veteran army" which could subordinate the civil authority to that of the military.<sup>30</sup>

The troops that arrived at Boston in late 1768, were under the command of General Gage. The instructions Gage received from England for the use of the troops, specified that they were to support and strengthen the government of the Province. They were to enforce due obedience to the laws, support the civil magistrates and the revenue officers in the performance of their duties. The placing of troops in Boston culminated in the Boston Massacre, March 5, 1770; a use of troops against civilians which justified all of the earlier fears of Americans regarding the military. Word of this event reverberated throughout the colonies and the English-speaking world. A distinct parallel was drawn between the Massacre and the eruption at St. George's Field.<sup>31</sup>

The Massacre became the sounding cry against abuse by the military. From 1771 to 1783, it was the holiday of patriot celebrations in Boston. The speeches were given wide dissemination in the periodicals of the period. They were the most obvious expressions of American attitudes against the evils of

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<sup>30</sup>Quincy, Memoirs, pp. 372-373.

<sup>31</sup>Carter, Office of the Commander in Chief, pp. 207-208. Shy, The Road to Lexington, pp. 395-396. The Virginia Gazette, April 5, 1770, explicitly compared the Massacre to St. George's Field. James Bowdoin, ed. A Short Narrative of the Horrid Massacre in Boston. (Boston: 1770), pp. 8-10.

military force. John Hancock in 1774, thought, "It was reasonable to expect that troops...would treat the people they were sent to subjugate with a cruelty and haughtiness ...of an unfeeling ruffian." In 1775, Joseph Warren castigated the military. He noted the people considered the army sent in 1768 was meant to enslave them and the Massacre justified their fears. Josiah Quincy said, "The Boston Massacre has wrought the whole people of Massachusetts...to the highest pitch of rage and indignation." Together the speeches were forceful expressions of sterner attitudes toward the British army.<sup>32</sup>

The period between the Boston Massacre and the outbreak of hostilities, April 18, 1775, requires no retelling here. The English policies of stationing troops in the colonies finally resulted in the birth of an American army. The nature of that army is significant. As they witnessed the operations and functions of the British army on the continent, Americans gained an experience. This "Standing Army" in their midst provided them with sufficient expertise which they used in the formation of their own forces. They turned to the militia concept.

This concept, advocated by Shaftesbury, Quesnay, Turgot, Rousseau, and Franklin, was strongly supported by the colonial assemblies as they organized their forces. At

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<sup>32</sup>Hezekiah Niles, ed. Principles and Acts of the Revolution in America (Baltimore: 1822; 1876 edn.), pp. 15-75. See also Guy Carelton Lee, ed. Orators of America (New York: 1900), pp. 74-75. Shy, The Road to Lexington, p. 376.

Annapolis, Maryland, December, 1774, in compliance with the recommendations of the several counties of the Province at convention, freeholders from sixteen to fifty years of age were directed to choose their officers and form companies. These companies were to be composed of all ranks of men in the city; "Gentlemen of the first fortunes are common soldiers." It was suggested that every town and county in the province do the same. On the same day the inhabitants of Elk Ridge Hundred, Anne Arundle County, met and formed a company, "being of the opinion a well-regulated Militia will contribute to the preservation of American Liberty."<sup>33</sup>

On January 17, 1775, the Fairfax County, Virginia Committee resolved that it concurred with the Province of Maryland regarding the militia. It was the natural strength and only stable security of a free government. The militia would relieve the mother country from the expense of protection and defense, eliminate the necessity of taxes for a, "Standing Army," ever dangerous to liberty. The militia forces so formed were to hold themselves in readiness to defend and preserve to the utmost, "our religion, the laws of the country, and the just rights and privileges of our fellow subjects...upon the principles of the English Constitution."

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<sup>33</sup>M. St. Clark and Peter Force, eds. American Archives, Fourth Series. Containing a Documentary History of the English Colonies in North America; March 7, 1774, to the Declaration of Independence. 6 Vols. (New York and London: 1972), Vol. I. pp. 1141-1146.

In the formation of the militia each member was to have the necessaries on hand for defense.<sup>34</sup>

On April 5, 1775, shortly before the engagements at Lexington and Concord, the Committee appointed to prepare Rules and Regulations for the "Massachusetts Army", brought in its report. The army was to be formed to recover, maintain, defend and preserve, civil and religious rights and liberties. The "Standing Army" in their midst, "was against the Law." It was there without the consent of the Massachusetts Legislature. Fifty-three articles were incorporated in the Massachusetts's Plan. Officers were to be chosen by the men, and the cruel practices relative to punishments in "Standing Armies" were eliminated. The regulations were founded on "reason, honour, and virtue."<sup>35</sup>

John Adams, writing James Warren on January 7, 1776, gave his views on the militia. The militia was the natural strength of a free country. He elaborated on the differences between the professional and the citizen soldier. The professional considered himself separate and distinct from the civilian. Men who serve too long, become innured to the military customs and habits, and lose the feelings and spirit of the people. He saw the value of the militia and hoped they could, along with military instruction, be taught the principles of a free government. People who admire too much the

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<sup>34</sup> Ibid., pp. 1145-1146.

<sup>35</sup> Ibid., pp. 1350-1351.



professionals, who display the heroism that is a part of the military, "surrender to them those rights, for the Protection of which, against an Invader they had been employed."<sup>36</sup>

As Americans fought the early states of the War, prior to the Declaration of Independence, they watched the military-state relationship closely. One example involves members of the New York delegation to the Congress in March, 1776. General Charles Lee had notified the Congress that he had imposed a test on the inhabitants of New York to ascertain their political principles. James Duane, John Jay, John Alsop and Lewis Morris, objected to the test. They wrote the New York Convention stating: "There can be no liberty where the military is not subordinate to the civil power, in everything not connected with military operations." They referred to a similar incident in Rhode Island, which went unnoticed, asserting, "Precedents must become dangerous." It was, as they viewed it, an unwarranted invasion of rights of the people by the military.<sup>37</sup>

In over a century and a half Americans moved through the process of colonization, formation of their colonial

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<sup>36</sup> Warren-Adams Letters, Correspondence among John Adams and James Warren (Massachusetts Historical Society: 1917), pp. 197-198.

<sup>37</sup> Edmund Cody Burnett, ed., Letters of Members of the continental Congress. 8 vols. (Washington: D.C., 1923), Vol. I., August 29, 1774-July 4, 1776, pp. 389-390. Hereafter referred to as Burnett, Letters.

assemblies, and experiences with various types of military forces. Beginning with their own self defense under the early Charter governments, they served with English forces in the Imperial Wars. After the Seven Years War they were confronted with "Standing Armies" in their midst. It was this profound colonial period of events that gave them insights into what the military-state relationship should be. Non-participants in the policies established by England, they saw their constitutional rights abused. Later, in the establishment of their own government, control of the military was of prime importance.

## CHAPTER II

### CONGRESS AND THE ESTABLISHMENT OF THE MILITARY EARLY YEARS OF THE CONTINENTAL CONGRESS

That America survived without a national government, during the period 1775-1781, has to be one of the interesting and fascinating facts of its history. The Continental Congress existed as a de facto authority and it was not until March, 1781, that government under the "Articles of Confederation" became operative. It was this "temporary" government that "adopted" the American Army in April, 1775, as it then existed. Previously the state assemblies had the responsibility for the militias furnished. The forces engaged at Boston could hardly be termed an organized army, and it was now the responsibility of George Washington as Commander-in-Chief, also appointed in 1775, to form an effective American force.<sup>1</sup>

One of the first resolutions of the Congress, June 3, 1775, reads:

That a Committee be appointed for the purpose of borrowing six thousand pounds for the use of America; for the repayment of which with interest, the Congress

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<sup>1</sup>Christopher Ward, The War of the Revolution, 2 vols. (New York: 1952), Vol. I., pp. 54-59.

will make full and ample provision...said sum of money to purchase gunpowder for the Continental Army.<sup>2</sup>

The rudiments of a Treasury Department and the problems of finance had begun.

The lack of an established government had created additional difficult problems. Pay, housing, clothing, arms and records, enlistment policies, rank and promotions, and subsistence, were but a few of these. From the initial chaos and confusion an army had to be formed. Washington assumed command of an army completely disorganized in every department with hardly any discipline or order existing. Throughout the war that followed, these problems plagued the army and the Congress.<sup>3</sup>

One of Washington's first acts as Commander in Chief was to determine the strength of his forces. Records show that 16,700 troops composed the army in the Boston area. The sick lists contained a total of 1,598; absent from duty for a number of reasons, 1,429; and a total of 13,743 effectuals. Of major significance was the individualistic character of the units. They were as raw a body of troops as had ever taken the field. The Massachusetts Provisional Council apologized to Washington for the nature and quality of the army he was to command.<sup>4</sup>

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<sup>2</sup>Worthington C. Ford, ed., Journals of the Continental Congress, 34 Vols. (Washington, D.C.: 1775-1789), Vol. II, p. 79. Hereafter cited as, Ford, Journals.

<sup>3</sup>Ward, War of the Revolution, Vol. I., p. 105.

<sup>4</sup>Ibid., Vol. I., pp. 103-105.

Not until November, 1775, did the Continental Congress prescribe the size and nature of the force to lie at Boston. It was to consist of 20,373 men, officers included. Congress asked the assemblies and conventions of the colonies to produce and provide arms, ammunition and clothing, for the army. It encouraged the manufacture of such necessities. Also, Congress directed Washington to survey the officers in the present army to determine which officers wished to continue their service and enlist their men in the Continental Army. Those who chose to serve were bound until December, 1776. They could be discharged at the convenience of the Congress. Officers of the Continental forces were given precedence in rank over those of the militia and other provisional forces, regardless of the dates of commission.<sup>5</sup> Clearly, the Congress did not anticipate a long war. Its goal was consolidation of the various forces, maintenance of the militia concepts, and organization of an army that could contend with the British.

Washington wanted a good army rather than a large one. He envisioned an army of permanent soldiers, inured to war and discipline. The Congress groping for ways and means to support this army in the field, could not finance a permanent force. The resultant turnover of soldiers due to terms of enlistment caused the return of seasoned soldiers to their homes and their replacement with new and raw recruits. As necessities arose Washington imposed an iron discipline that

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<sup>5</sup>Ford, Journals, Vol. III., pp. 321-326.

increased the deep antipathy Americans had regarding permanent military service. Washington's problems and those of the Congress persisted throughout the war.<sup>6</sup>

Congress floundered, debated and struggled to decide on exactly what the army should become. James Duane records in his record of debates in the Congress, February, 1776, some of the concerns Congress had. John Adams noted that Washington wanted men enlisted for the duration of the war, but he was against it. People in New England were against large pay for the officers. Many soldiers were refusing to enlist because they were expecting Congress to offer bounties. There was an extreme want of arms. Washington thought that bounties would eventually be necessary. James Wilson suggested that there would be problems in raising men for the duration of the war. It is dangerous, said Wilson, "to have a Standing Army." Wilson wanted a system whereby the colonies would be responsible for furnishing fixed numbers of men; a quota system. Samuel Chase of Maryland brought out the fact that officers were threatening to give up their commissions unless pay was advanced. Roger Sherman was against the policy of taking away from the state assemblies the right to appoint general officers. Benjamin Harrison of Virginia suggested that the Congress pay the New England governments three millions of

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<sup>6</sup>Alfred Vagts, A History of Militarism. The Romance and Realities of a Profession (New York: 1937), pp. 78-79.

battalions, "to serve during the present war," in 1776, a crisis year in the war.<sup>9</sup>

There was more to the congressional decision to raise the battalions. A twenty dollar bounty was authorized for each noncommissioned officer and private who enlisted for the duration of the war. It also granted lands to those who would serve; a colonel would receive 500 acres of land, the ordinary soldier, 100. Each state was to furnish an established quota of troops. Massachusetts, Virginia and Pennsylvania, were to furnish forty-three of the required battalions. Officer appointments were left to the states with the exception of general officers who would be appointed by the Congress. The states were to provide the arms and clothing for the troops raised.<sup>10</sup> Both the appointment of general officers and the determination of policies regarding supplying of the army were controls over the military. In effect, it was a mistrust of "Standing Armies," imbued in the minds of Americans prior to the start of hostilities.<sup>11</sup>

John Adams, writing to Horatio Gates when he was appointed to assume command of operations in Canada, noted: "We have ordered you to the post of Honour, and made you

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<sup>9</sup>Don Higginbotham, The War of American Independence. Military Attitudes, Policies and Practice (New York: 1971), pp. 390-391.

<sup>10</sup>Ford, Journals, Vol. V., pp. 762-763.

<sup>11</sup>Merrill Jensen, The New Nation, (New York: 1958), p. 29.

Dictator of Canada for Six Months." He concluded by saying that Congress did not trust generals with too much power for too long a time. This was in June, 1776, during the early stages of the war.<sup>12</sup>

Although Congress established a Continental Army there were two other classes of troops throughout the war. They were, according to Walter Millis:

The regularly enlisted state forces amounting to thirteen regular armies with their own bounty, pay and promotion systems, and the militia proper, summoned from their farms and shops for brief periods of service when the opportunity offered or emergency demanded.<sup>13</sup>

This wide range of differences in the variety of troops recruited or furnished became one of the severe problems of the war. According to Henry Knox's post-war return in the year 1776, which saw the largest American forces under arms, there were in the service 46,901 Continentals, 26,000 state militia, and an estimated 16,600 militia proper serving varying terms of service. The grand total was 89,661, about three per cent of the population.<sup>14</sup>

Another problem concerning the military was the equalitarian attitude among American troops. Congress refused to give the officers distinction by means of higher salaries.

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<sup>12</sup>John Adams to Horatio Gates, Burnett, Letters, Vol. I, p. 497.

<sup>13</sup>Walter Millis, ed., American Military Thought (New York: 1966), p. 1.

<sup>14</sup>American State papers, Military Affairs, Vol. I., p. 17, cited in, Walter Millis, Arms and Men (New York: 1956), p. 20, n. 12.



Consequently, their pay was about half that of their British counterparts.<sup>15</sup> The British forces consisted primarily of long term volunteers, secured for eight to twelve-year terms from the worst orders of society, officered by aristocrats. These officers were permanent servants of the Crown. It was an aristocracy of wealth rather than birth or status. Commissions were purchased and established a property qualification for military rank, designed to insure an identity of interests between the military and the government. Wealth, birth and political influence were the determining factors in the matters of promotion or advancement. No such condition existed within the American forces.<sup>16</sup>

Within the officer corps of the American army, jealousies were common. Congress had established by resolution in November, 1775, that officers of the continental establishment when acting in conjunction with officers of equal rank on the provisional establishment, take command of the latter, and also the militia. Officers of the provisional establishment took precedence over the militia. All of this was the rule regardless of prior dates of commission.<sup>17</sup> Such a system created frictions between the different categories of troops.

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<sup>15</sup> Marshall Smelser, The Winning of Independence (Chicago: 1972), p. 105.

<sup>16</sup> Samuel P. Huntington, The Soldier and the State. The Theory and Politics of Civil-Military Relations (Cambridge, Mass: 1959), pp. 20-21.

<sup>17</sup> Ford, Journals, Vol. III., p. 366.

A serious debate developed in Congress, relative to rank of the generals, in February, 1777. Thomas Burke in the abstract of debates, February 12 through the 19, wrote that the arguments were perplexed, inconclusive and irksome. Maryland, Virginia and North Carolina desired that each state recommend officers for promotion based in proportion to the men they furnished. Congress rejected the proposal. It was then proposed that general officers be promoted as they stood in rank; this idea also failed to be accepted. Merit was also suggested. The problem Congress faced was whether officers were to gain promotions at the will of a majority, merit, or their place in line. It was finally proposed that regard be given to merit, to rank and to quota. The debate also included discussions on whether promotions to the level of general officer should be made on the recommendations of Washington.<sup>18</sup>

Benjamin Rush offered the proposition that despotic princes promoted according to seniority; that they possessed an absolute power. If the motion passed he would, "move that all the civil power of the continent...be transferred from our hands into the hands of the army."<sup>19</sup>

John Adams voiced a strong attack:

I have been distressed to see some members of this house disposed to idolise an image which their own hands have molten. I speak here of the superstitious veneration

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<sup>18</sup> Burnett, Letters of the Members of the Continental Congress, Vol. II., pp. 261-262.

<sup>19</sup> Ibid., p. 262.

that is sometimes paid to General Washington. Altho' I honour him for his good qualities, yet in this house I feel myself his Superior...It becomes us to attend early to the restraining of our army. I have no fears from the resignation of Officers if Junior Officers are preferred to them. If they have virtue they will continue with us. If not, there resignation will not hurt us.<sup>20</sup>

Adams, of course was referring to the fact that better officers could be promoted over those holding senior rank.

State jealousies were also obvious. In 1776, John Adams stated that he was "chagrined that Massachusetts has not its proportion of general officers in the Continental army...it will never do." States vied and competed to place their officers in higher commands. Adams felt that his state, furnishing so many of the men, should have more of the general officers.<sup>21</sup>

But most serious was the disruption caused by the jealousies among the officers. Constant quarrels over precedence and standing in promotions caused Washington and the Congress many distractions. It forced John Adams to remark to General Nathaniel Greene that, "honor was one of the most putrid corruptions of absolute monarchy." Officers who preferred a single promotion rather than service to the public, "must be bridled."<sup>22</sup>

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<sup>20</sup> Ibid., p. 263. See also, Edmund C. Burnett, The Continental Congress (New York: 1964), pp. 268-272.

<sup>21</sup> John Adams, as quoted in, Sidney Kaplan, "Rank and Status among Massachusetts Continental Officers," American Historical Review, Vol. LVI, No 2. (Jan., 1951), pp. 318-319.

<sup>22</sup> John Adams, quoted in, Jensen, The New Nation, p. 30. See also Charles Francis Adams, ed., The Works of John Adams, 10 Vols. (Boston: 1850-1856). Vol. I., p. 263.

The question of rank was also a problem between Americans and foreign officers who served in the American army. Congress directed Washington to investigate the military abilities and conduct of the French gentlemen in the army. He was to ascertain how useful they could be, to dismiss those he found unworthy of commissions or unable to render effective service to the cause. This was during the same period in which the Congress was debating the rank controversy that existed between American officers.<sup>23</sup>

Americans viewed the granting of commissions to foreign officers as a source of irritation. They felt deserving of priorities in the matter of rank. Washington had harsh words for the French officers. He found them "men, who in the first instance, tell you they wish for nothing more than an honor of serving so glorious a cause...the next day solicit rank."<sup>24</sup>

Finally in addition to such problems as diversity of types of troops, numbers, and jealousies among officers concerning rank, there was the very serious difficulty of finance. Congress appointed the first financial committee on June 3, 1775. On June 7, it reported in favor of issuing bills of credit as a means of financing the war. In the same month an issue of 2,000,000 dollars was emitted, not to exceed

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<sup>23</sup>Ford, Journals, Vol. VII., p. 131. Jensen, The New Nation, pp. 28-29.

<sup>24</sup>John C. Fitzpatrick, ed., The Writings of George Washington, 39 Vols. (Washington, D.C.: 1938), Vol. XII., pp. 226-227.

the value of two million Spanish milled dollars. The faith of the colonies was pledged for the eventual redemption of the dollars. On December 26, 1775, and February 17, 1776, Congress issued an additional seven million dollars for circulation. This first committee directed financial affairs until February 17, 1776, when Congress appointed a standing committee of five members to supervise the treasury. The financing of the war had begun.<sup>25</sup>

By November, 1777, Congress realized that some method of redemption was necessary and called on the states to raise five million dollars by taxes levied on the inhabitants of the various states. It feared that no policy of redemption would depreciate the value of the bills emitted. At this juncture the matter of paper money was becoming one of public concern and alarm. Congress itself lacked the power to enforce taxes.<sup>26</sup>

The issuing of paper money caused wide speculation throughout the land. James Lovell, writing for the committee of foreign affairs to the foreign commissioners, March 24, 1778, remarked, "the manners of the continent are too much affected by depreciation of our currency." He noted that most officers, civil and military, desired to be involved in mercantile

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<sup>25</sup> Burnett, Letters, Vol. I., p. 135. See also Albert S. Bolles, The Financial History of the United States, from 1774 to 1789. 3 Vols. (New York: 1969), pp. 31-33.

<sup>26</sup> Bolles, Financial History, Vol. I., p. 55.

speculation. It was necessary because they found their salaries inadequate to the heavy demands for the necessities of life caused by the depreciated value of money.<sup>27</sup>

Depreciation of American dollars became a major source of trouble. Washington in a letter to James Warren, March 31, 1779, warned that the depreciation of money was feeding the hopes of the enemy. He called for, "punishment of speculators, forestallers and extortioners." He saw a few designing men, for their own aggrandizement, ruining the country and hurting the war effort.<sup>28</sup>

Phillip Schuyler in a letter to George Clinton, Governor of New York, November 29, 1779, remarked that the finances of the country were in a turmoil. The army was in want of flour; the price had reached sixty pounds per hundred and would probably go to one hundred pounds. There was, he said, "not one member in the Congress adequate to handle the business of finance."<sup>29</sup>

Michael Hillegas, treasurer of the United States during the Revolution, claimed that the depreciation in the value of money was caused by both the quantity in circulation and speculators. The scarcity of foreign articles, which some

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<sup>27</sup>James Lovell, quoted in Bolles, Financial History, Vol. I., p. 55.

<sup>28</sup>Fitzpatrick, Writings of Washington, Vol. XIV., pp. 311-314.

<sup>29</sup>Burnett, Letters, Vol. IV., pp. 528-529.

traders secretly held back, caused great rises in prices. The retailers and importers availed themselves of higher and higher prices. Farmers then asked for more money for the goods they sold, claiming they were justified due to the costs of rum, sugar, salt, coffee and other imported commodities.<sup>30</sup>

Alexander Hamilton brought home the fact that speculation and high prices were affecting the army. The cost of rum and mollasses were rising as speculators bid against the army commissaries. Currency was depreciating, and Hamilton wrote General Alexander McDougall, that, "this depreciation casts a gloom on our prospects." The army was able to purchase less and less with the monies allocated to pursue the war.<sup>31</sup>

Hamilton, in his "Publius Letters," October, 1778, attacked Samuel Chase, a delegate from Maryland, for engaging in speculation. Chase was able to obtain information regarding the purchase of flour by the Congress for the French fleet. He passed this information to associates who planned to profit by cornering the supply of flour and then raising its price. Hamilton asserted that speculators were carrying monopoly and extortion to an excess. The exorbitant price of

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<sup>30</sup>Michael Hillegas, quoted in, Jensen, The New Nation, pp. 37-38. See also Hillegas to Benjamin Franklin, March 17, 1778, in Pennsylvania Magazine of History and Biography, XXIX, 1905, pp. 233-234.

<sup>31</sup>Harold Syrett and Jacob E. Cooke, eds., The Papers of Alexander Hamilton 19 Vols. (New York: 1962), Vol. I., pp. 576-579. Hereafter cited as, Syrett and Cooke, Papers of Hamilton.

every article needed by the army and the depreciation of the currency, he declared, "are evils."<sup>32</sup>

In his letter number two, Hamilton accused Chase of causing a 100 per cent rise in the cost of flour badly needed by the army. He asked Chase: "I say when you are doing this...repugnant to your station, and ruinous to your country, did you pause and allow yourself a moments reflection on the consequences."<sup>33</sup>

Inefficiency and graft were common throughout the war adding to the problems of finance. Merchants were allowed to transfer their business affairs into government and to conduct their private affairs as official business. One example was that of Robert Morris, the merchant whose career owed a great deal to the linkage of his private business to that of the public. Morris became a member of Congress in 1775, as a delegate from Pennsylvania. He was appointed to the Secret Committee of Trade and became its chairman. During the war he was to become possibly the richest man in the country. The committee laid out a large share of its funds in contracts to Morris and his associates. From 1775 to 1777, at a time when Continental money was nearly equal to specie, the committee expended 2,000,000 dollars and made payments of 438,000 dollars for various services. About a fourth of these

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<sup>32</sup>Ibid., pp. 562-563.

<sup>33</sup>Ibid., pp. 576-569.



disbursements went directly to Morris and his partner Thomas Willing. In 1777, the Secret Committee of Trade was superseded by the Commercial Committee which disbursed 1,300,000 dollars. Morris received 80,000 dollars directly and probably shared in 238,000 dollars which the committee charged against the importation of West Indies and European goods. Morris was able to build a grand commercial empire while in the public service.<sup>34</sup>

Speculation, depreciation and other financial difficulties persisted into 1780. Eldridge Gerry in a letter to Robert Morris, June 11, 1780, reflected upon the distressed condition of the army and the general state of public affairs. He discussed a proposal for an association of merchants throughout the United States which would support a plan for the recall of all continental bills of credit and to receive new bills in exchange. Loans were inadequate and Gerry felt that the merchants could do more, in fact, than the state legislatures and the Congress relative to finance. The plan as Gerry saw it was, "That Every dollar so exchanged will furnish another for reinforcing and supplying the army." It would also amply supply the treasury with funds.<sup>35</sup>

Joseph Jones, at about the same time, informed Washington that as far as the army was concerned, Congress had

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<sup>34</sup>E. James Ferguson, The Power of the Purse, (Chapel Hill, North Carolina: 1961), pp. 75-79; n. 12., p. 77.

<sup>35</sup>Burnett, Letters, Vol. V., pp. 205-206.

become only a medium through which the needs of the army were conveyed to the respective states. Congress never had the power to prosecute the war adequately. As it called on the states to furnish men, supplies and money, through the requisitioning process, Jones envisioned a loss of power that the Congress might not recapture.<sup>36</sup>

In October of 1780, James Madison described to Joseph Jones the situation as he viewed it. The army was living from hand to mouth with conditions steadily deteriorating. The states were not filling the requisitions for supplies as requested by the Congress and the possible dissolution of the army could occur during the forthcoming winter. Americans and foreigners were unwilling to lend funds; requisitions were the answer if only the states would comply.<sup>37</sup>

So desperate was the plight of the nation in 1780, various individuals advocated plans to solve the nation's ills. Thomas Paine suggested in a letter to Joseph Reed, in June, 1780, a plan for raising troops. In essence he saw military service in the same light as a tax. All should be liable for service. If a person could not serve, then he would pay and clothe a man who could serve. Taxes, Paine said, "could be raised in increments, but the man who served had to furnish the whole body." For procuring supplies he suggested

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<sup>36</sup> Ibid., pp. 226-227.

<sup>37</sup> Ibid., pp. 427-428.

a state lottery to raise 500,000 dollars of hard money. He noted that cash in circulation if taken at the depreciation of fifty to one, was worth no more than four millions of hard dollars for the whole country.<sup>38</sup>

There can be little doubt that the inability of the Congress to tax, and its necessity to rely on the issue of paper money and loans, was one of the prime reasons for the financial status of the country in 1780. Depreciation was the chief source of trouble and it affected paper money, quartermaster and commissary certificates, and loan office certificates. In early 1779, the official rate was eight continental dollars for one of specie. By the end of that year it had reached forty to one. Charles Thompson, writing to John Jay in the early part of 1780, asserted that, "the merchants and traders, taking advantage of depreciation, raised the prices of their commodities to an enormous degree. He concluded that "the Commonwealth lay like a ship stranded..."<sup>39</sup>

Reflective of financial affairs was the difficulty Congress had concerning the pay of troops. On November 3, 1775, Congress resolved that the army intended to lie before Boston, consist of 20,373 men, officers included. The pay of the officers and privates, except that of captains, lieutenants, and ensigns in the marching regiments, to be the same as in

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<sup>38</sup> Philip S. Foner, ed., The Complete Writings of Thomas Paine, Complete in 2 volumes. (New York: 1945), Vol. I, pp208-210; Vol. II, pp. 1186-1187.

<sup>39</sup> Burnett, Letters, Vol. V, p. 418. See also Jensen, The New Nation, pp. 38-39.

the present army. The pay of a captain in the marching regiment was authorized to be twenty-six and two-thirds dollars per month, a lieutenant eighteen dollars, and that of the ensign, thirteen and one-third dollars.<sup>40</sup> By June of 1776, Congress authorized the payment of bounties to all non-commissioned officers and soldiers who enlisted for a term of three years.<sup>41</sup> On May 15, 1778, Congress resolved to grant all military officers commissioned by that body, half pay for seven years, provided they served for the duration of the war. This resolution passed unanimously. Non-commissioned officers and enlisted men were granted an additional bonus of eighty dollars, provided they too, served for the duration. The half pay issue that was approved would later have profound significance. Congress, its financial house in disrepair, was granting funds it did not have.<sup>42</sup>

To resolve problems facing the formation of the military, Congress used several approaches. On June 30, 1775, Congress approved the Articles of War. These consisted of a total of sixty-nine articles that encompassed everything pertinent to the operations of troops in the field. Enlistment, mutiny, discipline, court martial boards and authority of the various ranks were completely spelled out.<sup>43</sup>

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<sup>40</sup>Ford, Journals, Vol. III., pp. 321-322.

<sup>41</sup>Ibid., Vol. V., p. 483.

<sup>42</sup>Ibid., Vol. XI., p. 502.

<sup>43</sup>Ibid., Vol. II., pp. 111-122.

Congress added amendments to the Articles in November, 1775, based on changes recommended from the field. Basically, these amendments dealt with various types of crimes and punishments for these offenses stated. Mutiny and sedition were clearly defined and punishments authorized.<sup>44</sup> The Articles of War served the needs of the army until September 20, 1776, when Congress made revisions. These included new oaths, and changes relative to enlistments and discharges.<sup>45</sup>

A wise move by Congress would have been the creation of a War Department. Congress, however chose to retain the administration of military affairs in its own hands initially. On January 24, 1776, it appointed a committee to consider establishment of a War Office. Five months later on June 12, it resolved to adopt a plan for a Board of War and Ordnance, to consist of five of its own members and a paid secretary.<sup>46</sup>

This Board of War consisted of John Adams, Roger Sherman, Benjamin Harrison, James Wilson and Edward Rutledge, with Richard Peters acting as the paid secretary. Peters remained in connection with the Board for the entire five years of its existence. Congress, later convinced that a single department would better serve the needs of the army,

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<sup>44</sup> Ibid., Vol. III, pp. 331-334.

<sup>45</sup> Ibid., Vol. V., pp. 788-807.

<sup>46</sup> Ibid., Vol. IV., p. 85., p. 434. See also Louis Clinton Hatch, The Administration of the American Revolutionary Army (New York: 1904), pp. 19-20.

created the office of Secretary of War in 1781, and appointed Benjamin Lincoln its first secretary.<sup>47</sup>

Previous to 1781, special committees were used by the Congress to examine army activities. Six of these in the years 1775 to 1780, visited and conferred with Washington at his headquarters on various matters relative to military supply and personnel requirements. Their duties were to investigate and report to the Congress. One such committee in 1780 overstepped its bounds, gave great dissatisfaction to the Congress, and was promptly recalled. The incident was indicative of a Congress that did not want its authority usurped.<sup>48</sup>

Another approach used by Congress was the creation of the Office of Quartermaster General, June 16, 1775. Its major duties were in the field of transportation and providing the necessary supplies and provisions. Thomas Mifflin was the first Quartermaster and he served until October, 1777, resigning due to ill health. The office remained unfilled for five months at which time General Nathaniel Greene accepted the office under the condition that John Cox and Charles Pettit serve as his assistants. Congress also voted to allow a one per cent commission, to be divided as agreed to by the parties

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<sup>47</sup>Ford, Journals, Vol. IV., p. 438., Vol. VII., p. 216.

<sup>48</sup>Ibid., Vol. XVII., p. 686, 720.

concerned. This unusual procedure caused later repercussions.<sup>49</sup>

Greene went into a secret partnership with Jeremiah Wadsworth and Barnabas Deane in 1779. Greene acted as manager while Wadsworth and Deane put up the money. It is not certain how much the firm sold to the army. However, Greene and Charles Pettit were also partners in an iron works, which sold its products to army contractors. No specific evidence of corruption was brought to light, but members of the Congress were suspicious. It explains the close attention that Congress paid to the details of supply.<sup>50</sup>

What emerges from any analysis of the establishment of the army, within the framework of the Continental Congress is the diversified nature of the activities that confronted the Congress. One can be critical of the mistakes made. However, when placed in the proper perspective, the organization of an army to fight a war that had already started, was no small task. Congress faced the difficult problems of conducting a government, supplying an army with all its needs and requirements, lacking the necessary control over the thirteen colonies that merged into what became the United States. One must conclude that the issue of money to finance the Revolutionary War, was the single most important factor and

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<sup>49</sup>Hatch, Administration of the Revolutionary Army, pp. 96-97. Ford, Journals., Vol. X., p. 210.

<sup>50</sup>Jensen, New Nation., p. 35.

problem encountered in the early years of formation of the army. It would produce innumerable problems relative to winning the war, sufferings and hardships, and threats to the very existence of the government itself. At times chaos reigned. Yet, the Congress managed to see the war to its end, regardless of its shortcomings. In retrospect, from confusion and chaos Yorktown was at the end of the road.



## CHAPTER III

### THE PROBLEMS OF DISCIPLINE

1775-1780

Nothing can detract from the untold sufferings experienced by the American soldier of the Revolutionary war. That the army commanded by George Washington managed to hold together until the victory at Yorktown is in itself a testimonial to the courage and fortitude of this first American military force. Yet, one cannot deny or shield from view the fact that insubordination existed in this army, and that mutinous activities of various sizes threatened the outcome of the war.

Congress provided for the punishment of insubordination and mutiny when it produced the Articles of War. Article Five outlined mutiny as follows:

Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition, in the regiment, troop, or company to which he belongs, or in any other regiment, troop or company of the Continental Forces, either land or sea, or in any party, post, detachment, or guard, or on any pretense whatsoever, shall suffer such punishment as by a general-court shall be ordered.<sup>1</sup>

Article Six provided punishment for any officer or soldier present at any mutiny or sedition who did not attempt to

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<sup>1</sup>Ford, Journals., p. 113.

suppress same or give information or knowledge of same to the commanding officer.<sup>2</sup>

One of the first serious incidents relative to insubordination and discipline happened during the seige of Boston. There, one of the riflemen in Captain Ross's Pennsylvania Company was confined to the guardhouse for a misdemeanor. Men of the unit "swore by God" that they would release him or lose their lives doing so. They set off to accomplish their mission. Washington ordered the guard strengthened to five hundred men and placed several regiments under arms. With General Henry Lee and Nathaniel Greene leading, the regiments pursued the mutineers. When overtaken, Washington ordered them to ground their arms and submit. Another Pennsylvania company surrounded the mutinous troops and marched them back to camp. The troops were tried, convicted of mutiny and fined twenty shillings. Although the incident appears minor from the resulting fine, the number of troops engaged to quell the uprising indicates its importance.<sup>3</sup>

Other incidents followed. In his General Orders for October 13, 1775, Washington approved the sentence of one Lieutenant Richard Woodward. He was tried for cowardice and mutiny and ordered cashiered from the service. Woodward was rendered incapable of serving in the Continental army.<sup>4</sup> The

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<sup>2</sup> Ibid., p. 113.

<sup>3</sup> Ward, War of the Revolution, pp. 107-108.

<sup>4</sup> General Orders, October 13, 1775, Fitzpatrick, Writings of Washington, Vol. IV., p. 28.

following month five men ranging from Sergeant to private were tried and found guilty of mutiny. The non-commissioned officers lost their rank and were fined forty-eight shillings. All were given the lash ranging from twenty-nine to thirty-nine lashes upon their bare backs with a "Cat O' Nine Tails."<sup>5</sup>

More serious was the case of one James McCormick. Washington ordered in his General Orders of October 2, 1776, that the said McCormick be sentenced to death by hanging for the crimes of desertion and mutiny. The sentence was to be carried out the following day. Troops not on duty were ordered to the parade ground to witness the execution.<sup>6</sup>

It is evident that one of the major problems existing in the army from its inception, was that of discipline. During the period 1777 to 1783 the Continental army and Lines of the States would experience twenty-eight mutinies ranging in size from a squad to that of a regiment. Numerous incidents involving individual officers and men are fully documented in the Writings of Washington.<sup>7</sup>

No one particular cause can be cited for the problems of discipline and insubordination that occurred throughout the Revolutionary War. They were many and varied, from the type

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<sup>5</sup>General Orders, November 15, 1775, Fitzpatrick, Writings of Washington, Vol. IV., pp. 89-90.

<sup>6</sup>General Orders, October 2, 1776, Fitzpatrick, Writings of Washington, Vol. VI., p. 144.

<sup>7</sup>Marshall Smelser, The Winning of Independence (Chicago: 1972), p. 105.

of troops who enlisted or were drafted, to the problems of pay, supplies, terms of enlistment, hunger and starvation, and the depreciation of monies earned by the soldiers and officers engaged in the war. At the start no one knew that the war would be prolonged. There were dangers to morale in suggesting the struggle would be hard and protracted.

Asking Americans to accept long term enlistments at the start of the conflict would not have had much success. John Adams said that in his state of Massachusetts no more than a regiment "of the meanest, idlest, most intemperate and worthless" human beings would have joined the army for longer than one year. Already cited was the fact that the authorized strength of the army in 1776 did not reach its goal.<sup>8</sup>

Lack of food and hunger became an early problem. Congress had prescribed a daily ration which consisted of one pound of beef, port, or one pound of salt fish per day. Bread, milk, peas and beans, rice, Indian meal, and a variety of other foods along with cider, beer and soap, were included in the ration.<sup>9</sup> The problem became one of obtaining and furnishing the provisions that Congress authorized. After the first months of the war, the cold months, when growing of foods was reduced, the soldiers were usually hungry. During the winter of 1777-1778, the standard meal consisted of "firecakes,"

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<sup>8</sup> Butterfield, Adams Diary and Biography, Vol. II, p. 210. See also, Higginbotham, War of Independence, p. 390.

<sup>9</sup> Ford, Journals, Vol.

made by baking a flour and water paste.<sup>10</sup> Doctor Albigence Waldo, a Connecticut surgeon at Valley Forge, described the situation in his diary: "Nothing but Fire Cake and water" for every meal. He described the plight of the troops:

There comes a soldier, his bare feet are seen thro' his worn out shoes, his legs nearly naked from the tattered remains of an only pair of stockings, his breeches not sufficient to cover his nakedness, his shirt hanging in strings, his hair dishell'd, his face meager.<sup>11</sup>

Washington added a description of conditions at Valley Forge in a letter to the Congress. Writing to the Board of War, December 23, 1777, he described the plight of his soldiers and feared they would be reduced to, "starvation, dissolution, or dispersion, in order to obtain subsistence in the best manner they can." He added that this was not an exaggerated picture for every item of supply was needed. Military operations were in jeopardy. Describing his efforts to ready his troops for operations against the British near Derby, Washington wrote:

I ordered the troops to be in readiness, that I might give every opposition in my power...to my great mortification, I was not only informed but convinced, that the men were unable to stir Acct. of Provisions, and that a dangerous Mutiny begun the night before... was suppressed by the spirited exertions of some of the officers.<sup>12</sup>

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<sup>10</sup>Higginbotham, War of Independence, p. 399.

<sup>11</sup>Albigence Waldo, "The Army now begins to Grow Sickly, Valley Forge, 1777-1778," Pennsylvania Magazine of History and Biography, XXI, 1897, pp. 305-310. See also Richard B. Morris and Henry Steele Commager, eds., The Spirit of Seventy Six, (New York: 1967), pp. 639-642.

<sup>12</sup>Washington to the Board of War, December 23, 1777, Fitzpatrick, Writings of Washington, Vol. X., pp. 192-193.

Washington concluded that he had 2,898 men on the sidelines for the simple "want of shoes." Men were confined in hospitals and farmhouses, unable to perform the simple duties of a soldier. Valley Forge was the low point reached by Washington's forces.<sup>13</sup> Two months later the situation was little improved. To Governor Clinton of New York Washington described the want of provisions:

Naked and starving as they are, we cannot admire the incomparable patience and fidelity of the soldiery, that they have not been ere this excited by their sufferings, to a general mutiny and dispersion... nothing but the most active efforts everywhere can long avert so shocking a catastrophe.<sup>14</sup>

To correct these problems Congress gave Washington extraordinary powers on October 8, 1777. He was authorized to treat as an enemy any person who in any manner furnished the enemy forces with supplies, provisions, money, clothing, arms, forage, fuel, or any kind of stores. Persons seized were to be tried by military court martial even though they were civilians. To the courts Congress gave the power to adjudge death as a penalty. This was a bold action which was meant to keep needed supplies for the Continental army. Washington's power was to extend to January 1, 1778.<sup>15</sup>

The situation was still critical in March, 1778. Henry Laurens, a member of the Congress, wrote to William Dana

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<sup>13</sup> Ibid., pp. 192-193.

<sup>14</sup> Washington to Governor Clinton, February, 1778, Fitzpatrick, The Writings of Washington, Vol. X., p. 469.

<sup>15</sup> Ford, Journals., Vol. X., p. 784.

describing the situation. The daily ration for the army could not be met. He suggested that since the Lenten season was approaching, Congress would recommend that there be three pancake days a week for a six weeks period. He also hinted at the story being told of Connecticut deserters, but, "this I am determined to keep a secret."<sup>16</sup>

Lacking the specific powers to order the states, Congress recommended that they enact laws appointing suitable persons to seize and take for the Continental army, and the state military units, all woolen cloth, hats and other clothing needed for the troops. It further recommended that the Commissary General of purchases, or any of his deputies, seize all stock and every kind of provision required for the army. Certificates were to be issued in payment to be made at a later date. The states were also asked to employ manufacturers and tradesmen to supply the clothing necessary. They were to be exempt from military duty. Flax, cotton, and leather was to be gathered and furnished the manufacturers. The situation at this juncture was extremely critical, as Washington had reported.<sup>17</sup>

At about the same time, Nathaniel Folsom of New Hampshire placed before the Congress a letter from an officer of troops from that state. Serving with Washington, he

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<sup>16</sup>Henry Laurens to William Dana, Burnett, Letters, Vol. III., p. 322.

<sup>17</sup>Ibid., Vol. IX., pp. 1043-1045.

outlined the distresses the New Hampshire troops were experiencing. The lack of proper clothing during the winter months was his principal concern. It indicates how officers were notifying their own state officials.<sup>18</sup>

If Congress could not supply the army, it could reward the destitute and hungry soldiers in another way. It resolved on December 30, 1777, that Washington was to inform the brave officers and soldiers, they would receive an extra months pay for the sufferings they were undergoing. Congress knew that they had been sent into a part of the country where adequate housing was not available. This was due to the military situation. Congress also directed Washington to inform his command that the Congress pledged to do all in its power to remedy the defects in the Commissary and clothiers departments.<sup>19</sup>

As bad as the situation was at Valley Forge, Washington and the Continental army would undergo another trying experience during the period from December, 1779, through January, 1780, at Morristown, New Jersey. No military engagement of the war posed a greater threat than the issue of hunger during this period. Only the genius of Washington brought the army through intact. He established winter encampment near Morristown, New Jersey, in November, 1777. Cold wind and snow escorted him and his officers to the Jacob Ford house in the north

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<sup>18</sup>Ibid., p. 1048.

<sup>19</sup>Ibid., Vol. IX., p. 1067.



part of the town, where he established his headquarters.<sup>20</sup>

The army was harrassed by storms and hurt by the shortage of clothing; it would now experience a greater trial of hunger. They, almost alone of all Americans, did not have sufficient food to sustain themselves. By New Year's eve, the army had received only about half the regular allowance of bread for five or six weeks. Washington was appalled by the situation. Earlier, on December 15, he had written Samuel Huntington, President of the Congress, that the army faced disaster because of the shortage of food. If the troops could not eat, they could not fight, and the army would fall apart.<sup>21</sup>

Even before receiving this letter the Congress was endeavoring to relieve the situation. It passed a resolution on December 11, 1779, concerning the procurement of supplies from Maryland, Pennsylvania, Connecticut and Delaware. Delaware was to immediately deliver its quota of 10,000 barrels of flour or wheat. Congress also asked New Jersey to supply 8,000 barrels of flour as soon as possible.<sup>22</sup>

On the same day Samuel Huntington wrote to Governor William Livingston of New Jersey, stressing the need that

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<sup>20</sup>S. Sydney Bradford, "Hunger Menaces the Revolution, December, 1779-January, 1780." Maryland Historical Magazine, (March, 1966), Vol. LXI., No. 1, pp. 1-2.

<sup>21</sup>Ibid., pp. 3-4.

<sup>22</sup>Ibid., p. 4.

New Jersey act swiftly. He referred to earlier patriotic efforts of that state and felt certain that it would once again exert itself. He wrote, "it is needless for me to mention the fatal consequences that might ensue in this critical juncture of affairs. "The army required bread desperately."<sup>23</sup>

The distresses at Morristown, New Jersey, stemmed from several circumstances in the commissary general's office. Jeremiah Wadsworth had attempted to resign, and did on December 20. Congress elected Ephraim Blaine to fill the vacancy, but he did not take office officially until January 12, 1780. General Nathaniel Greene, the quartermaster general, also attempted to leave that office. These two incidents caused an unsettling effect in the two offices critical to the army's needs for supply.<sup>24</sup>

One cannot overlook the fact that a severe drought in the summer of 1779 had damaged the crops. The scarcity of rains prevented the mills from grinding corn, for streams had been lowered to unsuitable levels. The severe winter froze rivers preventing once again the operation of the mills. Then, heavy winter snows blocked the roads and further aggravated the situation by making transportation very

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<sup>23</sup>Samuel Huntington to Governor William Livingston, December, 1779, Burnett, Letters, Vol. IV., p. 534.

<sup>24</sup>Ford, Journals, Vol. XV., pp. 1343, 1349, and Vol. XVI., p. 47.

difficult.<sup>25</sup> Nature herself worked against the American army.

Reluctance on the part of the people was another cause for the army's misfortune. Delaware, beseeched by the Congress on December 21, to expedite supplies, legislated several ineffective laws. Maryland considered the crisis so dangerous that the state placed the needs of the army above those of the French forces she was to supply. Flour destined for the French was diverted to the Americans, to the ire of the French officials in the United States. Despite Washington's hopes, no other state duplicated Maryland's vigorous course of action.<sup>26</sup>

The situation at Morristown became so desperate that Washington finally was forced to turn to impressment of supplies. On January 5, 1780, he informed the Congress that he could no longer prevent his men from plundering. There was, due to hunger, a breakdown in morale. He said, "If our conditions should not undergo a very speedy and considerable change for the better, it will be difficult to point out all the consequences that might ensue." He ordered his commanders to discharge all the men who would normally serve out their terms of enlistments by January 31.<sup>27</sup>

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<sup>25</sup>Bradford, "Hunger Menaces the Revolution," p. 5.

<sup>26</sup>Ibid., p. 7. See also, Helen Peabody, "Revolutionary Mailbag: Governor Thomas Sim Lee's Correspondence, 1779-1782," Maryland Historical Magazine, XLIX, (March, 1954).

<sup>27</sup>Washington to the President of Congress, January 5, 1780 to Brigadiers and Officers Commanding Brigades, January 6, 1780. Fitzpatrick, Writings of Washington, XVII., pp. 357-358, 358.

The magistrates of the state of New Jersey were informed of the impressment on January 8. Washington opened his letter of that date by saying that since the start of the war the soldiers had never experienced such starvation. So mortal had the distress been that the men had been compelled to maraud. Ordinarily, plunderers would have been punished with "exemplary severity." But he went on to explain that marauding can... "only be lamented as the effect of an unfortunate necessity."<sup>28</sup>

To further aggravate the soldiers plight, some citizens near the camp at Morristown took advantage of the situation by charging exorbitant prices for items sold to the men. A quart of rum sold for forty to fifty dollars a bottle, an ear of corn for fifty cents and a quart of meal for eight dollars. Prices were high, the supply of money scarce, and the value of a paper dollar was worth only a penny, and would probably soon be less.<sup>29</sup>

The Magistrates of Morris County complained to Washington on January 25, that plundering continued, and Washington issued a general order in which he condemned the practice. It was a disgrace to the army, he declared.

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<sup>28</sup> Washington to the Magistrates of New Jersey, January 8, 1780, Ibid., 362-365.

<sup>29</sup> William G. Sumner, The Financier and Finances of the American Revolution, 2 Vols. (New York: 1891), Vol. I., p. 84, Abraham Clark to Caleb Camp, February 17, 1780, Burnett, Letters, Vol. V., pp. 40-41.

Furthermore, "if henceforth any soldier should be found outside of camp after retreat, the officer of the guard...is authorized to give one hundred lashes on the spot." If found perpetrating robbery or other violence, "they are to receive from one to five hundred lashes, at the discretion of the Officer." The very next day one Private Jack Miller received one hundred lashes at the evening roll for having stolen some mutton.<sup>30</sup> Hunger and starvation were major causes in the breakdown of morale and discipline, and they caused many cases of desertion.

Political interference also hampered discipline. Members of Congress interceded to obtain pardons for guilty soldiers and state influence was always a disruptive element. The inevitable female-hangers-ons were ever present, and intoxication was a source of trouble. City life demoralized the men and Washington carefully avoided locating in cities, or in close proximity to them. Shoes issued were of inferior quality and blankets often turned up one-quarter the proper size. As the war progressed, it is not surprising that more mutinies did not occur. Maintaining the morale of troops under such conditions was an extremely difficult task for officers at all echelons of command.<sup>31</sup>

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<sup>30</sup> Washington as quoted in, Bradford, "Hunger Menaces the Revolution," p. 22.

<sup>31</sup> Allen Bowman, The Morale of the American Revolutionary Army (New York: 1943), pp. 13-14.

Keeping the troops under control was a constant problem, and many minor mutinies erupted. Conditions in the New York militia caused frequent outbreaks. General Anthony Wayne moved swiftly to put down an uprising at Ticonderoga in early 1777. A rifle company shouldered its arms determined to go home. Wayne arrested a captain on the spot, threatened a sergeant with a pistol, and quelled the uprising. The army at Providence, Rhode Island, experienced two mutinies during the winter of 1777-1778. When bread and vegetables were lacking at West Point, New York, late in 1779, Albert Pawling's Corps threatened to march off to see the governor. On January 1, 1780, at the same location, sixty Massachusetts troops actually left their unit and marched away. The situation showed constant deterioration, until a more serious mutiny surfaced at Morristown, New Jersey, on May 25, 1780. There, two regiments decided to walk away. After pleas and threats by two Pennsylvania Colonels they were subdued. Lack of pay, provisions, and the loss in value of the pay received, were their main grievances.<sup>32</sup>

Congress did what it could to alleviate the situation. As early as September of 1776, John Hancock, President of the Congress addressed a letter to Phillip Schuyler in which he discussed the problem of discipline. Hancock said that members of the Congress were determined that, "the strictest discipline

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<sup>32</sup>Ibid., pp. 34-35.

should be kept up in the army, that the soldiers be trained daily, and practiced in their different manoeuvres."<sup>33</sup>

Washington realized the discipline was an extremely important factor in the fighting of the war. He wrote to the President of Congress in April, 1778, giving the broad outlines of a plan to improve discipline and training throughout the army. He called for an inspectorship that would address itself to those areas. Washington recommended Frederick William, the Baron Von Steuben for the position. Because of his professional military training in Europe, Washington felt Von Steuben was ideally fitted for the position. He had approached the Baron, and the latter was willing to accept.<sup>34</sup>

Congress wasted no time and on May 5, 1778, it resolved to accept Washington's advice. It approved the establishment of an Inspector-General for the American army. Von Steuben received an official appointment to the office with the rank and pay of a Major General. He was authorized assistants in his office as well as others in the field to operate with the various commands. Inspectors now began to function in the field with the troops. To Washington Congress gave authority to appoint his own inspectors for the main army under his command.<sup>35</sup>

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<sup>33</sup>John Hancock to Phillip Schuyler, September 27, 1776, Burnett, Letters, vol. II., pp. 106-107.

<sup>34</sup>Washington to the President of Congress, April 30, 1778, Fitzpatrick, Writings of Washington, Vol. II., pp. 328-29.

<sup>35</sup>Ford, Journals, Vol. XI., p. 465.

Von Steuben, assisted by Alexander Hamilton and others in Washington's immediate staff headquarters, developed the major plan for close order drill in the army. He was a strict disciplinarian of the European school of drill masters and applied their type of training to the American mixture of forces. But realizing the American soldier was a distinct breed of man, different than his European counterpart, Von Steuben incorporated principles designed to fill the needs of the democratic soldier. American tactics improved, but there was no immediate solution to the problem of discipline.<sup>36</sup>

After the winter of 1777-1778, the army began to comprehend what Washington had always stressed; that America must have a disciplined national army, as trained and tried as the best European ranks that could be brought against them. His selection of Baron Von Steuben points out this fact forcibly. Training alone would not suffice, for the army still faced problems the Congress could not resolve.<sup>37</sup>

Americans by the ones, tens and even hundreds expressed their dislike for service by the simple expedient of desertion. Accurate statistics as to the total number of desertions from the Continental army and the state militias, are almost completely absent. Washington, who repeatedly complained of the problem, never gave an accurate count of the total number of

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<sup>36</sup> Joseph B. Doyle, Frederick William Von Steuben and the American Revolution (Steubenville, Ohio: 1913), pp. 92-95.

<sup>37</sup> George Athan Billias, ed., George Washington's Generals (New York: 1964).



men who defected. Why they deserted is equally difficult to analyse, since they left for a wide variety of reasons. Some joined the British who offered pardons and land. In 1777, British General William Howe used an intensive propaganda campaign to induce Americans to join the British side. In May of the same year, Washington admitted the British appeals had produced "an unhappy influence on too many soldiers, in particular...those who are not natives."<sup>38</sup>

Many soldiers simply walked off and left their units and re-enlisted in other organizations in order to collect additional bounty money. It became a business. Newspapers carried reward notices for the apprehension of men and gave descriptions to the public. An example follows: "Thomas White, a short thick fellow, fresh colored, light blue eyes, much given to liquor. Deserted from James Dillon's Company, second regiment of the State of New Jersey." Four other men were listed in the same notice with rewards offered of six and two-thirds dollars. This notice appeared in the Pennsylvania Gazette, February 18, 1777.<sup>39</sup>

More serious, on the same day and in the same issue of the paper, General George Whiddon's General Order of February 6, 1777, Headquarters, Morristown, New Jersey, notified the public of the many frauds and abuses being perpetrated by

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<sup>38</sup>Higginbotham, War of Independence, pp. 399-400. Washington, quoted in the same place.

<sup>39</sup>The Pennsylvania Gazette, February 18, 1777.

the troops. They would enlist in one regiment, collect the bounty, desert, re-enlist, and collect again. In this instance the public was being asked by General Order to assist the military authorities in ending this problem.<sup>40</sup>

On April 16, 1777, The Pennsylvania Gazette was again used to inform and ask for assistance from the public. Washington's Proclamation of April 6, which was a stern warning to his men, relative to collection of additional bonuses or bounties, also offered pardons. It is evident that the problem was a major one. All deserters were offered amnesty if they returned to their organizations. He asked public and state officials to apprehend and report those who did not.<sup>41</sup>

The heads of families in the army soon learned that as prices rose it meant starvation at home. It caused one soldier to remark, "at this rate what will become of thousands of people who depended on absent friends in the army for a subsistence." Knowing conditions as they existed in the service, some could not stand to see their families suffer at home, and simply left the service.<sup>42</sup>

Officers were also guilty of infractions, such as being absent without leave. Washington again used the press in order to give wide dissemination as quickly as possible to a General

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<sup>40</sup> Ibid., February 19, 1777.

<sup>41</sup> The Pennsylvania Gazette, April 16, 1777.

<sup>42</sup> Charles Knowles Bolton, The Private Soldier under Washington (New York: 1964), pp. 235-236.

Order regarding officers. His General Order of April 8, 1777, warned all officers absent without the authority of himself, or other general officers, to repair immediately to their stations. In this case he stated he did not wish to use the press but it was essential to do so.<sup>43</sup>

There was no need for officers to desert the service since they were at liberty to resign their commissions. Hundreds did use this route to reenter civilian life. Others took leaves of absence and did not return. It was such a common practice that Alexander Hamilton proposed such officers be court martialed. Many officers wanted permission to sell their commissions, a method used in the British army. They saw it as a means of raising additional cash for their services.<sup>44</sup>

Time and again militiamen failed to turn out when called. Harvest time, spring plowing to replace a lost crop, or a recent return from a prior tour of duty were excuses used for non-compliance with orders. Some moved from place to place for the sole purpose of escaping duty. In Pennsylvania, militiamen, other than officers, when ordered to duty, did not have to appear in person. They could send an approved substitute who might be a son or an apprentice. If a militiaman could not find a substitute he could provide the necessary sum for obtaining one, plus reasonable expenses for procuring his

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<sup>43</sup>The Pennsylvania Gazette, April 16, 1777.

<sup>44</sup>Higginbotham, War of Independence, p. 410; Syrette, The Papers of Hamilton, Vol. I., p. 415.

replacement. Substitutes who entered the service in this manner were hardly the devoted-to-duty type required.<sup>45</sup>

Men who served in the Continental army and the state lines, came from all walks of life. Men in bondage, both black and white, were recruited. Maryland permitted servants without their master's consent to enlist. Indentured servants entered the service from New Jersey and Rhode Island. Women also found a place in the army, and they were used in gathering clothing and necessities. They included wives, sweethearts and homeless females. In addition to Americans many Germans and Irish served in the ranks.<sup>46</sup>

In obtaining men the states competed with the Congress. They continued to bid against each other until 1779, when Congress offered two hundred dollars for the duration. In 1780, the Board of War recommended to the Congress that a general system should be adopted annually for raising troops. The recruitment of all forces would be on equal and similar principles; all particular benefits, "which are ever productive of disgust should be excluded." Inducements into the service said Congress, should be placed on the same footing. According to the Board of War, the idea of State, County, and Town bounties were entirely improper. Although they were intended for the good, they occasioned mischief. Also, drafts, substitutions and bounties of different types were not in the

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<sup>45</sup> Arthur F. Alexander, "Pennsylvania's Revolutionary Militia", Pennsylvania Magazine of History and Biography, January, 1945, pp. 21-22.

<sup>46</sup> Higginbotham, War of Independence, pp. 390-397.

general interest. The Congress postponed any action on the recommendations. However, it did authorize Washington to pay officers who enlisted men an additional ten dollars.<sup>47</sup>

With no set procedure for recruiting, officers were tempted to accept the unfit. Ignorant and unreliable men were recruited to serve beside the capable farmer, artisan and merchant. Some officers characterized their men as "sweepings of the York streets." They were "hungry lean fac'd villans." General Nathaniel Greene described troops he received from the Carolina militia as: "the worst in the world, of no more use than if they were on the moon." He actually questioned whether the men under Francis Marion and Thomas Sumter were not more interested in plunder than the Revolutionary cause.<sup>48</sup>

The army came from all walks of life. Soldiers, not by avocation, they stood up to professionals and mercenaries; the final result was victory and freedom. They were called militia, members of the line, continentals, minute-men and patriots. Their country could barely sustain them. They were a melting-pot of various nationalities recruited or enlisted in various ways, and under different terms of enlistment. Their sufferings and hardships caused them at times to violate the Articles of War. They served under regulations of their state militias and resolutions of the

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<sup>47</sup>Ford, Journals, Vol. XVI., pp. 248-251.

<sup>48</sup>Bowman, Morale of the Revolutionary Army, pp. 13-14.

Congress. The State Legislatures and the Congress could not provide the necessities required to pursue the war under reasonable conditions. Their morale was therefore precarious, always one of the unpredictables in an army engaged in war. The cohesion of highly organized troops was lacking in the army of the Revolution. The soldier himself was not responsible for the conditions under which he was forced to serve. The causes lay elsewhere--the effects were his.

CHAPTER IV  
CONGRESS AND THE CHALLENGE OF  
THE PENNSYLVANIA AND NEW JERSEY LINES

As the war progressed and sufferings increased, morale and discipline worsened. More serious events were in the offing, and on January 1, 1781, a mutiny of major proportions took place. Troops of the Pennsylvania Line, stationed near Morristown, New Jersey, and commanded by General Anthony Wayne, selected New Year's Eve as the time to adjust their grievances. The issue was pay and terms of enlistment. Most had entered the service in 1777 for "three years or the duration." The rate of pay had been stipulated, and when it was not forthcoming, they reacted violently. What little pay they had received was so depreciated that it amounted to eight cents a month. Underfed and in rags, they turned to armed revolt in order to satisfy what they felt were just claims. General Wayne was confronted by troops in open rebellion, a far more serious affair than he had experienced at Ticonderoga. About thirteen hundred men were involved in the mutiny. They had plundered the storehouse and were preparing for a march to Philadelphia. Wayne ordered them to lay down their arms, and when they refused he grouped his officers and some of the faithful. Together they faced the mutineers and in the

ensuing struggle, one officer and several of the enlisted men were killed.<sup>1</sup>

Prior to the outbreak, Wayne had forewarned President Joseph Reed, of the Supreme Executive Council of the State of Pennsylvania, that troubles in the Line were pending. On October 17, 1780, Wayne wrote to Reed saying; "I am induced to call on the Honourable Council to adopt some mode to procure a fresh supply of blankets and winter clothing for the officers and privates belonging to the State of Pennsylvania." Again, on November 7, Wayne wrote to Reed that the time is fast approaching, "when America would have only a skeleton army to oppose the British, and that army would be destitute of every comfort and necessity."<sup>2</sup>

The letter contained specific details as to the distressing conditions, not only as they pertained to military operations, but as they were relevant to conditions in the country. On December 16, in yet another communication, Wayne stated that "although the pay issue appeared trifling, the soldiers here had not seen a paper dollar in the way of pay for near twelve months." He included information that the enemy had found means to circulate proclamations among the soldiers in which the British pointed out their lack of pay.

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<sup>1</sup>John Hyde Preston, A Gentleman Rebel (New York: 1930), pp. 210-212.

<sup>2</sup>General Wayne to Joseph Reed, in William B. Reed, Life and Correspondence of Joseph Reed, 2 vols. (Philadelphia: 1847), Vol. II., pp. 313-314. Hereafter cited as Reed, Life and Correspondence.



An urgent request was made for bounties to pay seven-month enlistees of the Line. It was considered an immediate and urgent requirement.<sup>3</sup>

Joseph Reed would play an active role in the mutiny from beginning to end. When news of the revolt reached Philadelphia, Reed and a Committee of the Congress, of which General John Sullivan was chairman, set out for Trenton, New Jersey. Congress appointed this committee on January 3, 1781. The members were General Sullivan, the Reverend John Witherspoon and John Mathews. They were to confer with the Supreme Executive Council and offer such assistance as was required.<sup>4</sup>

General Wayne along with Colonel Walter Stewart and Colonel Richard Butler remained with the mutinous troops as they moved toward the city of Philadelphia. Troops of the Line had appointed a board of sergeants as their representatives. The soldiers followed the orders of the board; Wayne was not in control of the troops during the march. He remained in contact ready to act if the occasion arose. The entire body of troops advanced as far as Princeton, New Jersey, where Wayne, conscious of his precarious position, wrote to Reed:

We shall not attempt to express our feelings on this painful occasion. We have yet some glimmering of hope from the enclosed copy of a letter, giving intelligence of the enemy's manoeuvres, as the troops assure us they will act with desperation

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<sup>3</sup>Ibid., pp. 315-317.

<sup>4</sup>Ford, Journals, Vol. XIX., p. 20.

against them. Whether these be their sentiments or not, a few hours will probably determine.<sup>5</sup>

On January 5, President Reed wrote to the Committee of Congress, now located in Trenton, New Jersey, that he had received intelligence regarding disposition of the mutinous troops. Reed was then at Bristol, Pennsylvania. His letter contained information which indicated, "the rebellious troops were well behaved and had committed no excesses." On the following day, he again wrote that "the mutineers, though acting as a system, have divisions among themselves and such suspicions of each other as may lay a foundation for reconciliation." Reed then outlined his plan. It was to hear the soldier's complaints, to promise redress of those which were reasonable, and to repel firmly those of a contrary kind, unless approach of enemy troops should change the face of affairs.<sup>6</sup>

Reed planned to go within four miles of Princeton, New Jersey, where he had arranged a meeting with Wayne. At that place he would inform the troops that he was ready to hear their complaints if decently offered. Luckily, Reed pointed out, the British "are not yet out, although that circumstance might change the face of things exceedingly."<sup>7</sup>

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<sup>5</sup>General Wayne to Reed, in Reed, Life and Correspondence, pp. 319-320.

<sup>6</sup>Reed to the Committee of Congress, Reed, Life and Correspondence, Vol. II., pp. 320-321.

<sup>7</sup>Ibid., p. 321.

This was the situation on January 5; elsewhere other actions were taking place. Wayne had also informed Washington on January 2, that a mutiny had erupted in his command. Washington, writing from his headquarters at New Windsor, acknowledged the letter on the following day. He approved Wayne's plan of remaining with the Line, and warned him of the possibility the British might attempt to take advantage of the situation. Wayne was advised to tell the troops that Washington would intercede with the Congress and the State of Pennsylvania regarding their grievances. Washington feared the loss of this body of troops. He expressed concern that if the Line reached Philadelphia in a mutinous state, the Congress would be forced to vacate the city. Their grievances should be made known and possibly adjusted. He suggested that he might personally move towards Princeton with a troop of horses.<sup>8</sup>

To Washington the mutiny was a serious affair. Following receipt of Wayne's letter, he sent a circular letter to the Governors of the New England States. he brought to their attention the seriousness of the mutiny and advised them he was not certain of the final outcome. Continuing, he asserted, "that it is vain to think an army can be kept together much longer under such a variety of sufferings as ours has experienced." He concluded "that unless some immediate and

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<sup>8</sup>Washington to General Wayne, Fitzpatrick, Writings of Washington, Vol. XXI., pp. 55-58.

spirited measures are adopted to furnish three months pay to the troops in money...the worst that can befall us can be expected."<sup>9</sup>

Washington sent General Henry Knox to the Governors of the states of Connecticut, Massachusetts, Rhode Island, and the president of New Hampshire, with the letter. Knox was directed to bring the full facts about the state of the army to their immediate attention. It is evident that Washington intended to fully impress the governors with the need to rectify conditions in the army that caused the mutiny.<sup>10</sup> A letter to the Congress on the following day informed that body of the state of affairs.<sup>11</sup>

One of Washington's other concerns was the fear that the British would become involved in the mutiny, and they did in fact attempt to convert the mutiny to their advantage. He received word from General Sullivan, with the Committee of Congress and Reed, at the scene of the mutiny, of such a British attempt, on January 7.<sup>12</sup>

Three days earlier, on January 4, The British sent three copies of a proposal to the mutineers. It played upon

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<sup>9</sup>Washington to the Governors of the New England States, Fitzpatrick, Writings of Washington, Vol. XXI., pp. 61-63.

<sup>10</sup>Ibid., p. 63.

<sup>11</sup>Washington to the President of Congress, Ibid., pp. 64-65.

<sup>12</sup>General Sullivan to Washington, in Otis G. Hammond, ed., Letters and Papers of Major-General Sullivan, Continental Army, 3 Vols. (Concord, New Hampshire: 1939), Vol. III., p. 253. Hereafter cited as Hammond, Papers of John Sullivan.

their conditions and offered assistance:

It being reported at New York that the Pennsylvania troops, having been defrauded of their pay, clothing, and provisions, are assembled to redress their grievances, and also that notwithstanding the terms of their enlistments are expired have been forcibly detained in the service where they have suffered every kind of misery and oppression.

They are now offered to be taken under the protection of the British government, to have their rights restored, free pardon for all offenses, and that pay due them from the Congress faithfully paid to them, without any expectation of military service (except it be voluntary)...if they will send envoys to Amboy they will be met by people empowered to treat with them and faith pledged for their security.<sup>13</sup>

The activity of the British forces was reported to General John Dickinson by General Nathaniel Heard on January 12. Dickinson was located at Trenton with American forces. Heard had received intelligence from South Amboy showing that the British had a considerable number of horse and foot soldiers opposite Amboy on Billops Point, Staten Island, New York. Armed vessels and eight to ten flat-boats were positioned in the waters.<sup>14</sup>

The attempts to bribe the Line failed. The bearers of the British proposal were John Mason and one James Ogden. They made their way to the Pennsylvanians by way of the South River.<sup>15</sup> Contact with the mutineers took place on January 7.

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<sup>13</sup>Public Papers of George Clinton, First Governor of New York, 10 vols. (Albany, New York: 1902), Vol. VI., p. 565.

<sup>14</sup>Carl Van Doren, Secret History of the American Revolution (New York: 1941), p. 408.

<sup>15</sup>Ibid., p. 410.

At that time the mutineers turned over the British agents to Wayne with the stipulation that if negotiations with Reed failed, Wayne would return the agents to the mutineers.<sup>16</sup>

President Reed happily informed the Supreme Executive Council on January 8, that the Line had rejected the British overtures. He had been in contact with Wayne and could report that the troops had rejected with disdain, "the proposition made by General Sir Henry Clinton to join his army." They had permitted Wayne to come to him and he hoped negotiations would succeed. The meeting was to be held on the same day.<sup>17</sup>

Reed was greeted with dignity in his meeting with representatives of the Line. They registered their complaints through the appointed sergeants, and the grievances were resolved. Throughout the negotiations with the Line, Reed remained in constant touch with the Committee of Congress. General Sullivan kept the President of Congress informed as to the state of affairs. On January 8, 1781, Sullivan notified the Congress that Reed had consulted with him regarding the terms to be offered and that he expected the mutiny would terminate. The troops showed every disposition to return to duty upon receiving compensation for their past services, and justice being done to rectify their status relative to terms of enlistment.<sup>18</sup> Final settlement with the mutinous troops

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<sup>16</sup>Reed, Correspondence of Joseph Reed, Vol. II., p. 325.

<sup>17</sup>Ibid., p. 325.

<sup>18</sup>Sullivan to the President of Congress, Papers of Sullivan, Vol. II., pp. 256-257.

included the following provisions. First, Congress would discharge all those who had enlisted indefinitely for three years or the duration of the war. Three commissioners appointed by the Congress would examine the records and determine who should be discharged. Second, Congress would immediately furnish the soldiers with certain specified articles of clothing. Third, Congress would give certificates to cover the depreciation of pay and settle arrearages as soon as possible. The terms were acceptable to both sides and resulted in disbandment of a large portion of the troops and the temporary dissolution of the Pennsylvania Line.<sup>19</sup> The British agents, Ogden and Mason were court-martialed, found guilty and died by hanging. The British threat did not materialize and the mutiny of the Line had ended without serious threat to the American army.<sup>20</sup>

There is an important aftermath to the mutiny, particularly as it pertained to the merchants and citizens of the city of Philadelphia. While Reed was settling the grievances of the Line, back in the city of Philadelphia the Supreme Executive Council of the State took steps to raise funds. The Council informed Reed of their move and this information was the basis he used in pledging his word to the Line, to secure for them an adjustment of their grievances. A subscription

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<sup>19</sup> Ibid., pp. 330-331.

<sup>20</sup> Van Doren, Secret History, p. 410.

loan in the amount of between \$15,000 and \$20,000 in specie was sought as a voluntary contribution. Only \$1,400 was raised.<sup>21</sup>

Following his return to the city Reed issued a Proclamation in the name of the Council. It threatened the merchants and citizens with drastic action. He informed them that although the unhappy discontents were over, it was because of his solemn promises made in the name of the state. After seeing the inconsiderate subscription made in his absence, he asked the people to bestow more attention on the exigencies at this critical time. If they did not, "a total suspension of all foreign trade will be recommended by the Supreme Executive Council, until affairs take a more favorable turn."<sup>22</sup> It is indicative of the problems of finance at the state level.

In support of Reed was the report submitted to Congress by its Committee which participated in the settlement. The Committee reached some general conclusions. First, the disturbances, though threatening, had afforded undeniable proof of the first attachment of the soldiery, as well as the country, to the American cause. Second, all possible care should be taken to prevent the enlistment of British deserters, and perhaps those now in the service should be discharged. Third, every state in the Union should be requested to pay

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<sup>21</sup>Reed, Correspondence of Joseph Reed, Vol. II., pp. 333-334.

<sup>22</sup>Ibid., p. 334.



the strictest attention to supplying the wants of the army.<sup>23</sup>  
In reference to British deserters in the Line, the Committee was referring to information it had received from inhabitants near Princeton. It was asserted by the Inhabitants that a large number of this category had been permitted to enlist in the Line. This was contrary to repeated directions from the Congress and their own states. Two of the deserters, it was alledged had been chosen members of the board of sergeants who managed their affairs. Nothing but the dissent of these two prevented the immediate execution of the spies. Probably they, as well as others, had their eyes on New York, from which they hoped to obtain support.<sup>24</sup>

Most accounts of the mutiny of the Pennsylvania Line emphasized the satisfactory outcome and the eventual loyalty of the troops. General Sullivan, writing to the French Minister on January 13, 1781, gave a complete description of the events that transpired, and concluded:

Perhaps history does not furnish an Instance of so large a body of troops revolting from their officers, marching in exact order, without doing the least Injury to Individuals...this conduct ought to convince the British how much they mistake the disposition of Americans at large when they assert that they would willingly join them if not overawed by their tyrannic Rulers. Here was a large body composed as well of foreigners as natives having no officer to command them...yet though they knew full well they were liable to the severest punishment for their revolt they disdained the British offer.<sup>25</sup>

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<sup>23</sup>Ford, Journals, Vol. XIX., pp. 79-83.

<sup>24</sup>Ibid., p. 81.

<sup>25</sup>Sullivan to the French Minister, Hammond, Papers of John Sullivan, Vol. III., pp. 262-265.

Thus was the patriotism of the American soldier suggested and the mutiny reduced to a minor and insignificant event. Certainly French support of America was critical to the cause at this time. One can, perhaps, justify Sullivan's conclusions.

Washington wrote to the Count de Rochambeau informing him of the mutiny. He delved on the complaints of the troops and indicated he was satisfied with the solution generated by the civil authority of Pennsylvania and the Congress. The discontent was over, and although the soldiers had lost a sense of duty, they had retained their honor in rejecting the proposition made by the enemy.<sup>26</sup> Also, in a letter to General Sullivan, January 16, 1781, in which he referred to the settlement with the Pennsylvania Line, Washington appeared confident that the Congress and the states would take the necessary steps to prevent further dissensions among the troops. Specifically he hoped the Congress could provide three months pay for the army. The letter ended with the following:

I cannot but flatter myself the United States of Congress and the States will be exerted to prevent redressing the real grievances, a repetition of similar or even more dangerous disturbances than those which have happened in the Pennsylvania Line.<sup>27</sup>

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<sup>26</sup>Washington to the Count de Rochambeau, Fitzpatrick, Writings of Washington, Vol. XXI., pp. 119-122.

<sup>27</sup>Washington to General Sullivan, Fitzpatrick, Writings of Washington, Vol. XXI., pp. 112-113.

Finally, writing to the Baron Von Steuben, January, 1781, he reported the results and affects on the Pennsylvania Line. It had discharged one-half of the troops and furnished until April, 1781, furloughs for the remainder. The greater part of the troops had perjured themselves regarding their terms of enlistment.<sup>28</sup>

Newspaper accounts played down the actual significance of the Pennsylvania mutiny. The Pennsylvania Gazette concluded:

However unjustifiable the conduct of the Pennsylvania Line may and ought to be deemed in the first instance, it must be acknowledged, that they conducted themselves in the business, culpable as it was, with unexpected order and regularity. And their fidelity in refusing large offers made by the enemy, in delivering up the spies, and in refusing the hundred guineas...exhibits an instance of true patriotism and disinterestedness, not to be found amongst mercenary troops who bear arms for pay and subsistence only.<sup>29</sup>

The reference to the hundred guineas was an amount offered the mutineers by Reed for delivering the spies to American authorities.

The New Jersey Gazette, reporting on January 17, 1781, published the following account of the mutiny and declared it authentic:

Upon this whole affair, which at first appeared to be alarming, has only given proof of the inflexible honor of the soldiery...and will teach General Clinton, that though he might bribe a mean toad-eater as Arnold, it is not in his power to bribe an American soldier.<sup>30</sup>

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<sup>28</sup>Washington to General Von Steuben, Fitzpatrick, Writings of Washington, Ibid., pp. 192-193.

<sup>29</sup>The Pennsylvania Gazette, January 24, 1781.

<sup>30</sup>The New Jersey Gazette, January 17, 1781.

One cannot leave the Pennsylvania mutiny without noting the nature of that body of troops. It was composed of a large group of Irishmen who had enlisted in the cause. They were "born soldiers," full of dash and grim determination. Matthew Carey, noted writer of the Irish, gave a graphic description of some of the members of the Line. They fought and died for the United States. Their adopted country was shamefully ungrateful. They bore their grievances patiently. They implored a supply of the necessities of life from their government, but in vain. They had reached the boundary line beyond which forbearance and submission became meanness, and they mutinied.<sup>31</sup>

Another mutiny was in the offing. Perhaps perceiving the success of their counterparts in Pennsylvania, New Jersey soldiers mutinied during the very time that authorities of that state were attempting to adjust their grievances. Certainly some of the soldiers had access to the articles that had appeared in The New Jersey Gazette. It is possible there was some connection between the two mutinies. While the mutiny in Pennsylvania was in process, a committee appointed by the New Jersey Legislature was investigating uneasiness among the New Jersey troops. Deficiencies of Continental currency appeared to be their major complaint, although supplies and sustenance were also in short supply. Leaving their huts at

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<sup>31</sup> Matthew Carey, quoted in, Michael J. O'Brien, A Hidden Phase of American History. Ireland's part in America's Struggle For Liberty (New York: 1921), pp. 182-183.

Pompton, New Jersey, on January 20, 1781, about two hundred members of the Jersey Brigade moved toward their headquarters at Chatham to make their demands. Bolstered by liquor bought with pay recently obtained, and deaf to the pleadings of their officers, they chose this means to obtain justice.<sup>32</sup> The investigating committee appointed by the New Jersey Legislature had been informed by officers of the brigade that very few soldiers had complained about being detained beyond their terms of enlistment. Never was such complacency justified. The soldiers continued rebellious into the following day and finally returned to their camp after being promised pardons by their officers, and the hearing of their complaints by the commissioners. Unknown to the protesting soldiers, the commissioners were already at work to remove their grievances. Frederick Frelinghuysen stated, "They left their camp with great decency, deaf to the pleadings of their officers."<sup>33</sup> They felt their grievances demanded consideration.

Positive enlistment records were presented to the commissioners. Soldiers brought in records that gave proof they were engaged for three years and not the duration. Little could be done to correct the mistakes before a considerable part of the brigade moved to join the Marquis de Lafayette in the Virginia campaign.<sup>34</sup>

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<sup>32</sup> Leonard Lundin, Cockpit of the Revolution (New York: 1972), pp. 441-442.

<sup>33</sup> Frederick Frelinghuysen, quoted in, Lundin, Cockpit of the Revolution, p. 445.

<sup>34</sup> Ibid., p. 443.

Within the span of twenty days one mutiny had been resolved and another threatened. Washington responded swiftly to reduce the threat of the New Jersey revolt. He personally ordered the reduction of the mutiny, and although not as serious as the Pennsylvania mutiny, its climax was more severe. A detachment of about five hundred troops, primarily New Englanders, was formed at West Point. General Robert Howe was placed in command. Washington's orders were specific; Howe was to compel the mutineers to unconditional submission. No terms whatsoever were to be granted the mutineers while they had arms in their hands. If Howe succeeded in causing the surrender, Washington ordered him to "instantly execute a few of the most active and incendiary leaders." General Howe was to avail himself of the services of the New Jersey militia if necessary, representing to them, "how dangerous to civil liberty the precedent is of armed soldiers dictating terms to their country."<sup>35</sup>

Howe and the detachment arrived at the scene of the mutiny on January 26. They surrounded the huts of the mutineers, trained two field pieces upon them, and ordered the soldiers to parade in line onto the field without arms. Two of the ringleaders were tried on the spot and condemned to be executed. Twelve of the most guilty were selected as the executioners. Ironic is the fact that the executioners

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<sup>35</sup>Washington to General Howe, Fitzpatrick, Writings of Washington, Vol. XXI., pp. 128-129.

themselves were part of the mutiny. Howe ordered the officers to take their respective commands and then addressed the line of platoons. The enormity of the crime and the dreadful consequences that might have resulted to all of them was emphasized.<sup>36</sup>

In a letter to General Von Steuben, February 6, 1781, Washington wrote in regards the New Jersey mutiny, "It gave an opportunity to quell mutiny with force...I believe we shall have no more trouble from a spirit of this kind."<sup>37</sup> And yet Washington realized the New Jersey mutiny, as well as the revolt of the Pennsylvania Line, were indicative of one of the most serious problems of the Revolution, the inability of government to fully support, supply, and maintain the American soldiers. On January 29, 1781, in another circular letter to the governors of the New England States, Washington advised those officials that yet another mutiny had been suppressed. He hoped that this would completely extinguish the spirit of mutiny. But, he noted that, "if effectual measures are not taken to prevent its revival by rendering the situation more tolerable for the soldiery, the situation might reoccur."<sup>38</sup>

The New Jersey Gazette reported the mutiny on February 7, 1781. It reported that about one hundred and sixty men of

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<sup>36</sup>Lundin, Cockpit of the Revolution, pp. 442-443.

<sup>37</sup>Washington to General Von Steuben, Fitzpatrick, Writings of Washington, Vol. XXI., pp. 112-113.

<sup>38</sup>Washington to the Governors of the New England States, Ibid., pp. 128-129.

the Twentieth Infantry of the New Jersey Brigade had followed the example of the Pennsylvania Line. The report noted that the mutineers were not acquainted with the late regulation of the New Jersey Legislature which had appointed commissioners to investigate grievances. Further, the article claimed that the men had been in contact with the enemy. It named the executed soldiers: David Gilmore, Sergeant, Second Regiment, and John Tuttle, First Regiment. Concluding, it stated that every mark of penitence and respect was manifested by the others.<sup>39</sup>

Even the suppression of the New Jersey mutiny did not persuade the soldiers to forsake that extreme form of protest. In May, 1781, the Pennsylvania Line, moving toward the south again experienced a mutiny. Soldiers claimed that the Pennsylvania Legislature had not fulfilled all the terms agreed upon by Reed and the representatives of the Line during the January uprising. Their prime concern was the back pay due; paper dollars, "not equal to one-seventh of the nominal value." The mutiny erupted at or near the present city of York, Pennsylvania. General Wayne, in command of the unit, faced twelve men who stepped forward demanding gold for their paper dollars. His response was to order a court martial on the spot. The court martial ordered the leaders to be executed. Wayne faced the guilty mutineers and directed them to stand before

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<sup>39</sup>The New Jersey Gazette, February 17, 1781.



the troops. A firing squad, selected from the unit, performed the task. They disposed of their comrades, and as one lay writhing on the ground, Wayne ordered a soldier from the ranks to bayonet the dying soldier. Being a friend he at first refused, but when Wayne threatened him with a pistol he killed the dying soldier. One cannot deny Wayne's exploits in some of the victories of the Revolutionary War. The temper of the times demanded extreme measures. In retrospect, a nation was being born in violence; "thus was this hideous monster" of rebellion crushed.<sup>40</sup>

The importance of the mutinies in Pennsylvania and New Jersey cannot be underestimated. They occurred in the year that would see the end of the war. The circular letters written to the governors of the states by Washington warned of the dangers inherent in an army that was disposed to mutiny in order to obtain what it felt was just. One can only surmise what bold and aggressive military actions on the part of the British, might have done to the American military effort. Washington faced extreme dissensions in the field, and responded with forceful action in the case of the New Jersey revolt.

Congress attempted to solve the problems of government that were related to the army. On January 29, James Duane wrote Washington saying that the time had arrived when dangers

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<sup>40</sup>Fitzpatrick, Writings of Washington, Vol. XXII., n. 60., p. 191., also, John R. Spears, Anthony Wayne (New York: 1903), pp. 177-179.; Preston, A Gentleman Rebel, pp. 219-221.

and distresses had opened the eyes of the people and they perceive the want of a common head to draw forth the resources of the several branches of the Federal Union. People were now aware that the powers of the states to individually operate over the Acts of Congress must end in ruin. They must, he added "resign a portion of their authority to the National representatives or cease to be Legislatures."<sup>41</sup> The mutinies of early 1781 did awaken the people to the possible failure of the American cause.

James Varnum informed William Greene, governor of Rhode Island about the mutinies. On the same day he reported that Maryland had acceded to the Confederation, and that Virginia had ceded lands west of the Ohio, including nearly sixty million acres of land. He hoped that this would bring forth acceptance of the Articles of Confederation.<sup>42</sup>

In the same month, Oliver Wolcott, in writing to Tapping Reed, referred to the enlistment issue as a major cause of the Pennsylvania mutiny. The want of pay and proper supplies were additional causes, and he felt "every principle of Justice as well as Prudence dictates the necessity of paying the army...it ought to be the primary Objects in every Deliberative Council."<sup>43</sup>

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<sup>41</sup>James Duane to Washington, Burnett, Letters, Vol. V., pp. 551-552.

<sup>42</sup>James Varnum to William Greene, Burnett, Letters, Vol. V., pp. 549-550.

<sup>43</sup>Oliver Wolcott to Tapping Reed, Burnett, Letters, Vol. V., pp. 537-538.

The Connecticut delegates wrote Jonathan Trumbull asserting that the mutiny was an unhappy event. Its causes must be removed. Before we close we cannot but express our grief:

That a people who generally possess the most ardent desire to establish their liberty upon the fullest convictions of their high importance, that a country abounding with men and supplies, yet from a defect in their constitution or councils or both of them, should not seem to have it in their power to call them forth with more advantage...national principles from whence union and force are to be derived are not properly established...and there is a general defect in the establishment of the civil executive departments acting under Congress.<sup>44</sup>

Finding the means for fulfilling the needs of the army would appear to have received greater attention after the mutinies of 1781. Further, the need for a stronger government is definitely suggested in the letter to Trumbull.

In Pennsylvania controversy continued about the mutiny into the middle of February, 1781. Shortly after the flurry of correspondence by members of Congress, The Pennsylvania Gazette published a full account of a message Joseph Reed had sent to the Pennsylvania House of Freemen. Reed had been criticized because of the shortage of clothing and other necessities required by the Line. In his message Reed agreed, but he noted that the means to procure them were lacking. And he further warned that the state militia was not a substitute for the Line during the period of its reorganization.<sup>45</sup>

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<sup>44</sup>Connecticut Delegates to Jonathan Trumbull, Burnett, Letters, Vol. V., pp. 535-537.

<sup>45</sup>The Pennsylvania Gazette, February 21, 1781.

On March 1, 1781, two months after the mutiny of the Pennsylvania Line, the Continental Congress adopted the Articles of Confederation. All thirteen states accepted.<sup>46</sup> The President of the Congress, Samuel Huntington addressed a letter to the several states on March 2. He wrote:

By Act of Congress herewith enclosed your Excellency will be informed, that the Articles of Confederation and Perpetual Union between the thirteen United States are properly and finally ratified by all the states.

We are happy to Congratulate our Constituents on this important Event, desired by our friends and dreaded by our enemies.<sup>47</sup>

It is difficult to deny that the mutinies of early 1781, the circular letters sent by Washington to the governors of the New England States, and the concerned thinking of members of the Congress during the period that followed, did not have a strong effect in bringing about ratification. Military activities were the main consideration and concern of the Continental Congress.

The Articles did not solve the problems of the military. The states had delegated certain powers to the Congress and no others. No phrase in the Document could be construed as making the central government supreme over the states. Congress became a sort of court of last appeal, or rather a board of arbitration, in disputes between one state and another.

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<sup>46</sup>Ford, Journals, Vol. XIX., pp. 222-223.

<sup>47</sup>Samuel Huntington to the several States, Burnett, Letters, Vol. VI., p. 2.

Complete equality existed between the states and they held fast to the powers not delegated to the central government.<sup>48</sup> Even after the Articles went into operation, there were no easy solutions in the conduct of the remainder of the war or the administration of the army. Further sufferings and grievances were in the offing, to include yet another mutiny, which forced the government to vacate its headquarters.

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<sup>48</sup>Merrill Jensen, The Articles of Confederation, (Madison, Wisconsin: 1959), pp. 242-243.

## CHAPTER V

### CIVIL POWER ENDANGERED: NATIONALIST-MILITARY MACHINATIONS AND THE NEWBURGH CONSPIRACY

When the many and varied problems of government and the military are placed in proper perspective, the fact that the Revolutionary War was won becomes a notable fact. From October, 1781, until the formal signing of the Definitive Articles of Peace at Paris, on September 3, 1783, Americans awaited official word that the war was formally ended. During that time the American army continued in existence, a primarily inactive force that would also become potentially explosive.

Unofficial word regarding the preliminary articles of peace had arrived by the packet Washington in March, 1783. Authentic word reached America on March 23, 1783, when the Triomphe docked at Philadelphia. It carried a dispatch from Lafayette to the president of Congress, Elias Boudinot. Containing less than one-hundred words, Lafayette passed on to "his fellow citizens of the army," the news that a formal peace treaty was forthcoming. Boudinot immediately relayed this word to Washington, encamped at Newburgh, New York.

Evident signs of satisfaction were lacking in the battle-scarred army resting on the Hudson.<sup>1</sup>

The army at Newburgh knew the hardships of the war. Formal cessation of the fighting and the signing of a treaty of peace had a profound meaning. Cumulative grievances relative to arrearages in pay, rations and clothing, and the broken promises of the past, produced renewed discontent. Before this discontent was removed, Congress would depart Philadelphia and establish headquarters at Princeton, New Jersey, in June 1783. A crisis of extreme magnitude within the military faced the nation.

The army felt that Congress was ready and eager to rid itself of the expense of maintaining the military. Disbandment was a logical step and one that was expected. The army had borne all the tribulations that men could accept. Their property was gone, all private means had vanished, and their patience was exhausted.<sup>2</sup>

Congress had been unable to solve the problems of finance. From late 1779 until the beginning of 1781, Congress engaged itself in a period of frenzied finance. It resorted to issuing bills of exchange on its foreign ministers, hoping that by the time the bills were presented the ministers could

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<sup>1</sup>Boudinot to Washington, Burnett, Letters, Vol. III., p. 81; Varnum Lansing Collins, The Continental Congress at Princeton (Princeton, New Jersey: 1908), pp. 1-2.

<sup>2</sup>Collins, Continental Congress at Princeton, pp. 2-3.

borrow money to pay for them. It emitted more paper-money, placing an additional \$125 million in circulation. The bills depreciated so fast that the cash buying power was less than \$6 million. It devaluated all outstanding bills at the rate of forty to one, reducing \$200 million in debt to \$5 million. This effort also failed and in a short time the \$5 million depreciated out of existence. In desperation it called on the states. Throughout 1780, the states provided most of what the army received in supplies and pay. They did respond to requisitions of the Congress payable in "Specific Supplies." Most states assumed the responsibility for back pay due the army. Nine states took over payment of their soldiers for the better part of the next two years.<sup>3</sup>

Notwithstanding this help from the states and with the memory of the Pennsylvania Line in mind, Congress issued a Circular Letter to the states on January 15, 1781. The states were told in strong terms that they were remiss in their obligations. Congress did not admit to its own shortcomings, but advised the states to levy taxes and pay their quotas. "For our part," Congress asserted, "we have left nothing unessayed to render the operations of the war more vigorous and successful."<sup>4</sup>

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<sup>3</sup>E. James Ferguson, The Power of the Purse. A History of American Public Finance, 1776-1790 (Chapel Hill, North Carolina: 1961), pp. 44-69. See also, Forrest McDonald, The Formation of the American Republic, 1776-1790 (Baltimore: Maryland: 1968), pp. 14-17.

<sup>4</sup>Edmund Cody Burnett, The Continental Congress (New York: 1941), p. 482. Ford, Journals, Vol. XIX., pp. 57-61., McDonald, Formation of the American Republic, p. 16.



On February 3, 1781, Congress asked the states to amend the "Articles of Confederation," which were finally adopted on March 1, 1781. It sought a five per cent tax on imports. If the states agreed to the impost, part of the financial delima would be solved. By the end of the 1782 legislative sessions, in all states with the exception of Georgia and Rhode Island, the proposed amendment had been ratified. Georgia, under British occupation and a restored royal government, could not be counted. Rhode Island, a state dependent on commerce and lacking any staples, would prove to be the stumbling block. Congress went so far as to send a delegation to that state. At about this time the issue of landed and landless states arose. An old issue it was sufficient to kill the impost. Virginia had ceded the north-west territory conditionally, but the Congress had not as yet accepted. Maryland, with some support from other Middle Atlantic nationalists, including Robert Morris, tried to force Virginia to drop the conditions it had imposed.<sup>5</sup> They were as follows: Virginia agreed to save what it claimed in territory by ceding lands north of the Ohio River in exchange for guarantees that the Congress would hold inviolate the rest of the state's claims to the west.<sup>6</sup>

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<sup>5</sup> McDonald, Formation of the American Republic, pp. 16-21.

<sup>6</sup> James Madison, "Notes on Debates," December 24, 1782, William T. Hutchinson and William E. Rachal, eds., The Papers of James Madison, 7 vols (Chicago: 1962), Vol. V., p. 442. Hereafter cited as, Hutchinson and Rachal, Papers of Madison; Jensen, The New Nation, pp. 350-351.

Political leaders in Virginia, hoping to make the Congress accept its conditions regarding lands to the west, were suspicious of nationalist's designs. They had no love for Morris. In November, 1782, Virginia rescinded its ratification of the impost. This means of raising revenue was now dead.<sup>7</sup>

At the same time that Congress was asking the states to approve the impost it voted to reorganize and centralize its administrative departments, placing each under a superintendent. That body asked Robert Morris to take over the office of Superintendent of Finance. The powers it granted and those he demanded made him the financial dictator of the United States. He declined to supply the army, and set out to place the national finances on a firm basis. With public credit restored, Morris felt Congress could then supply the troops as it saw fit. Taking over the office in May, 1781, Morris received strong pleas from Washington to resolve the hardships of the army. With the climax in Virginia approaching he devoted his energies to the problems of supply. He borrowed on the public credit and his own private credit. Along with help from the states, the army managed to survive through Yorktown.<sup>8</sup>

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<sup>7</sup>McDonald, Formation of the Republic, pp. 20-22; Merrill Jensen, "The Creation of the National Domain, 1781-1784," The Mississippi Valley Historical Review, Vol. XXVI., (June 1939-March 1940), pp. 323-342.

<sup>8</sup>McDonald, Formation of the Republic, p. 17.

It was the demise of the impost that made the military realize its demands for fair and just treatment would not materialize. Actions in the army now began to ferment; considerable grumbling was rife, and informal meetings between officers were common and posed a threat to constituted authority. On the 29th of December a deputation of officers, consisting of General Alexander McDougall, Colonels Mathias Ogden and John Brooks, arrived in Philadelphia to present the pleas of the army to the Congress. It was in this atmosphere that an ominous hint "that any further experiments on the patience of the officers and the army might have fatal effects."<sup>9</sup>

So began a series of events that would produce what might be termed the first use of military dissent and threat against the American government. An undercurrent of activity took place that resembled a possible coup d'etat.

The members of the officers corps could reflect on the conditions under which they had served and on the failures of the Congress to fulfill its promises. Into sharp focus came such actions as the Resolution of Congress in October, 1780. Soldiers were to be retired on half-pay under the provisions of the Resolution, and many who did were now the objects of scorn by a public not willing to accept this mode of settlement. The more the army complained, the lower it was held in public esteem.<sup>10</sup>

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<sup>9</sup>Madison's Minutes, January 6, 1783; in Ford, Journals, Vol. XXV., p. 846.

<sup>10</sup>Collins, Continental Congress at Princeton, p. 103; Ford, Journals, Vol. XVIII., p. 897.

In June, 1782, while peace negotiations were under way in Europe, Congress appointed a committee to work out the necessary measures for a reduction of the military force. On August 7, 1782, it decided to call upon the officers for voluntary retirements under a specified program to become effective on the first of January, 1783. The plan was adopted under objections, for delegates from North Carolina maintained that "almost every Officer of the North Carolina Line would be deranged on the first of January." With the British in control of Charleston, South Carolina, they felt their position precarious.<sup>11</sup> The proposed reduction had been approved by Washington. When he wrote the Secretary of the Army, Benjamin Lincoln on October 2, 1782, he noted that he feared the results of the resolution "under the present circumstances." At this moment, he said, discontent prevailed "universally throughout the army." He was speaking specifically about the officers, "the total want of Money, or the means of existing from one day to another...the distress of their families... the prospect of poverty and misery before them." It was a gloomy picture presented by the Commander-in-Chief. He went on to say:

When I see such a number of Men goaded by a thousand stings of reflection on the past, and of anticipation on the future, about to be turned into the World, soured by penury and what they call the ingratitude of the public, involved in debts, without one farthing of Money

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<sup>11</sup> Ford, Journals, Vol. XXII., pp. 451-452.

to carry home, after having spent the flower of their days and many of them their patrimonies in establishing the freedom and Independence of their country, and suffered everything that human Nature is capable of enduring on this side of death...I cannot avoid apprehending that a train of Evils will follow, of a very serious and distressing nature.<sup>12</sup>

As a result of this letter to the Secretary of War, Washington and Lincoln conferred at the latter's headquarters. The result of this meeting caused Lincoln to recommend to the Congress specific changes to the Resolution. Certain classes of officers were to be retained in the service, and Congress instructed the Superintendent to report on the question of pay. Pay was critical, where to find the funds more so.<sup>13</sup>

This was the situation as the deputation from the army arrived in Philadelphia in December, 1782. In mid-November, Henry Knox carefully laid the ground work for this officer deputation by writing to Benjamin Lincoln. Lincoln in turn stressed to the delegates in Congress the seriousness of the situation as it existed in the army. About the same time, General Arthur St. Clair, writing from Philadelphia, explained the political situation to the McDougall committee prior to their arrival in that city. He advised that they inform Congress "in the most positive terms," that unless action was immediate, it could expect a convulsion of the

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<sup>12</sup>Fitzpatrick, Writings of Washington, Vol. XXV., pp. 226-227.

<sup>13</sup>Burnett, The Continental Congress, pp. 552-554; Ford, Journals, Vol. XXIV., pp. 151, 284-285.

most dreadful nature and fatal consequence."<sup>14</sup> On January 6, 1783, the deputation laid before the Congress a memorial. It said:

We have struggled with our difficulties, year after year under the hopes that each would be the last; but we have been disappointed. We find our embarrassments thicken so fast, and have become so complex, that many of us are unable to go further. In this exigence we apply to Congress for relief as our head and sovereign....

We complain that shadows have been offered to us while the substance has been gleaned by others ...The citizens murmur at the greatness of their taxes, and are astonished that no part reaches the army. The numerous demands, which are between the first collectors and the soldiers, swallow up the whole.

Our distresses are now brought to a point. We have borne all that men can bear.... The uneasiness of the soldiers, for want of pay, is great and dangerous; any further experiments on their patience may have fatal effects.<sup>15</sup>

There followed specific demands: an advance of some part of the pay due the army, a security for the residue, and a commutation of half-pay for life into full-pay for a certain number of years, or else a sum in gross; other demands were for sundry arrearages and other deficiencies. Congress was in a dilemma.<sup>16</sup>

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<sup>14</sup>Richard H. Kohn, "The Inside Story of the Newburgh Conspiracy, America and the Coup d'Etat," William and Mary Quarterly, 3rd series, Vol. XXVII, (April, 1970), No 2, p. 189.

<sup>15</sup>Ford, Journals, Vol. XXIV., pp. 291-294; Burnett, The Continental Congress, pp. 553-554.

<sup>16</sup>Ford, Journals, Vol. XXIV., pp. 293-294.

Simultaneously behind the scenes, the committee of three, General McDougall, Colonels Brooks and Ogden, became involved in a political scheme that was a direct result of the problems of war and finance. They involved themselves with holders of the public debt, speculators in western lands, and merchants who had ready access to the ears of Congressional members. Philadelphia being the financial center of the war permitted close association between the monied interests and the members of government.<sup>17</sup>

Some of the men who participated in the drama unfolding were Timothy Pickering, Major Robert Armstrong, George Washington, Henry Knox, Alexander Hamilton, Robert Morris and Gouverneur Morris, to name but a few. They were among the political elite of that period. Whether or not they were engaged in a plot to overthrow the constituted political authority is doubtful. That they sought justice for the army's claims and satisfaction for the nation's creditors is highly plausible.<sup>18</sup>

Those involved in the scheme did not actually intend to use military force to obtain their ends. The goal was a quasi coup d'etat within the framework of the Articles of Confederation. If Congress could be forced to adopt a

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<sup>17</sup>Merrill Jensen, "The Idea of a National Government During the American Revolution," Political Science Quarterly, Vol. LVIII, (September, 1943), pp. 375-376; McDonald, Formation of the Republic, pp. 23-24.

<sup>18</sup>Kohn, "History of the Newburgh Conspiracy," pp. 189-190.

permanent financial program, to include funding of all continental debts, including those of the army, and assumption of all state debts, the army and the creditors would be satisfied.<sup>19</sup>

The army would be the engine and the tool in the machinations that were under way. Gouverneur Morris, writing to John Jay, January 1, 1783, succinctly stated how the nationalist movement intended to use the army:

The army have swords in their hands...I will add however that I am glad to see things in their present Train. Depend on it good will arise from the Situation to which we are hastening...and although I think it probable that much Convulsion will ensue, Yet it must terminate in giving Government that power without which Government is but a name...On the Wisdom of the present moment depends more than is easily imagined and when I look around for the Actors...Let us change the subject.<sup>20</sup>

Upon receipt of the army's memorial of January 6, a committee comprised of one delegate from each state was assigned the task of resolving the problem. The following day the committee talked with Robert Morris. He asserted that his office could not advance the army any pay; further, he could make no promises "until certain funds should be previously established." On the thirteenth of January the army delegation intensified the pressure. Meeting with the

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<sup>19</sup> McDonald, Formation of the Republic, p. 24.

<sup>20</sup> Gouverneur Morris to John Jay, as quoted in Max Mintz, Gouverneur Morris and the American Revolution (Norman, Oklahoma: 1970), p. 157; Jared Sparks, The Life of Gouverneur Morris, 3 Vols., (Boston, 1832), Vol. I., p. 249.



Congressional Committee, and in answer to questions from a member, McDougall stated there was extreme resentment prevalent in the camp at Newburgh. The possibility of mutiny existed.<sup>21</sup>

James Madison documents the proceedings that took place on the evening of January 13, 1783. By appointment, the committee of the Congress, noted as "the Grand Committee," met with the deputies of the army. Veiled threats filled the air. The memorial of January, revolved around three main topics, namely, an immediate advance of pay, adequate provision for the residue, and the half-pay provision for life which the Congress had authorized in October, 1780. The first was considered an absolute necessity to soothe the discontent of both the officers and the soldiers.<sup>22</sup>

General McDougall held the floor at first and made a remark of extreme importance for it indicated the mood and feeling that pervaded the military. He asserted:

The most intelligent and considerate part of the army were deeply affected by the debility and defects in the federal government, and the unwillingness of the states to cement and invigorate it, as, in the case of its dissolution, the benefits expected from the revolution would be greatly impaired....the contests which might ensue among the states would be sure to embroil the officers which respectively belonged to them.<sup>23</sup>

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<sup>21</sup> Kohn, "History of the Newburgh Conspiracy," p. 193.

<sup>22</sup> James Madison "Notes on Debates," January 13, 1783, Hutchinson and Rachal, Papers of Madison, Vol. VI., pp. 31-34.

<sup>23</sup> Ibid., pp. 33-34.

He was suggesting the need for a strong central government.

Colonel Ogden took the floor and forcibly asserted the seriousness of the situation. He stated he did not wish to return to the army if he was to be the bearer of further disappointments. When questioned about what might result if pay was not immediately forthcoming, both McDougall and Ogden suggested a possible mutiny of the officers and men. Hints of sergeants and intelligent privates, engaged in sequestered conversations permeated the discussion. McDougall said that the army verged on that state that will "make a wise man mad." Madison's notes bear witness to an excessive use of veiled threats. Colonel Brooks noted that the temper of the army might throw them blindly into extremities. At this point the deputies brought out the fact that distinctions were common between the civil and military lists, the one paid regularly the other not. Madison noted that one member of the "Grand Committee" in rebuttal observed that civil officers on the average, received subsistence only. The military, although not properly furnished their pay, were in fact given the same necessities.<sup>24</sup>

Half pay for life for all officers and men who served was the last item discussed. Many, leaving the service were unable to return to their civilian pursuits. They were due this annuity, just as were those who had lent money to the

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<sup>24</sup>Ibid., pp. 34-35.

cause. Men already out of the service and receiving this stipend were stigmatized in the states where it was called a pension. They referred, however, to their memorial which authorized them to commute their half pay right to any equivalent and less exceptionable provision. Half pay was wages earned as stipulated by Congress, and nothing more than a reasonable provision for the remainder of their lives. The delegation expressed dissatisfaction with the states that opposed it.<sup>25</sup>

There can be little doubt that the army was at this point the most dangerous creditor. The threat of obtaining justice by force of arms appeared to be imminent. As Alexander Hamilton stated the case, there were "two classes of men in Congress." One was attached to the idea of the state the other to continental politics. The state group obtained its strength from Virginia, North Carolina and New England. It saw the authority of the state supreme, local government above any national authority, local militias over regular armies. The Continentalists held strength mainly in New York, Pennsylvania and South Carolina, and trusted central authority over local. It was the Continentalists or the nationalists that hoped to capitalize on the army discontent.<sup>26</sup>

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<sup>25</sup> Ibid., p. 35.

<sup>26</sup> Forrest and Ellen McDonald, Confederation and Constitution (Columbia, South Carolina: 1968), p. 3.

On the seventeenth of January the army delegation met with Robert Morris in the office of the Superintendent. Congress had already been informed of the financial state of affairs by Robert Morris in the period that intervened between the meeting of the Grand Committee and the army deputies four days earlier. Morris had informed the committee of the overdrawn accounts abroad of about 3,000,000 livres. He requested Congress approve additional overdrafts and it granted the request. Morris was now able to offer the army some financial relief, but insufficient in his opinion. One month's pay would be given to soldiers and noncommissioned officers, and an effort would be made to give officers the same, first in notes and then in cash, after the soldiers were paid. What Morris was seeking was a permanent financial program: funding of all continental debts, assumption of state debts and a plan for permanent revenues to support them. The issue of funding and the memorial were permitted to be held in abeyance. It was at this juncture that Morris submitted his resignation. On January 24, he wrote Congress stating: "Congress will be pleased to appoint another man to this office." He indicated he would vacate the office on the last day of May, "if effectual measures are not taken by that period to make permanent provisions for the public debt of every kind."<sup>27</sup>

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<sup>27</sup>Robert Morris to Congress, quoted in, Clarence Ver Steeg, Robert Morris, Revolutionary Financier (New York: 1972), pp. 170-177; Hamilton to Washington, Syrette and Cooke, eds., Papers of Hamilton, Vol. III., p. 319. Morris's letter printed in, Freemans Journal, Philadelphia, March 5, 1783.

The resignation shook the members of Congress. Madison recorded: "It was considered as the effect of despondence in Mr. Morris of seeing justice done to the public creditors." Congress now began a campaign to obtain from the states sufficient funds to settle the whole debt of the United States.<sup>28</sup> That body directed that the resignation remain a secret and no official record of it was entered into the journal. McDougall and Ogden now returned to the camp at Newburgh, carrying word to the army that Morris would pay them "as soon as the state of public finance will permit."<sup>29</sup>

Meanwhile in the Congress the battle lines formed. The day following submission of Morris's letter, James Wilson proposed that the Congress shelve all other business, and get down to the matter of a sound financial program. Congress agreed and for a brief period things appeared to be progressing.<sup>30</sup>

Wilson was part of the nationalist group led by Hamilton and Madison. Also included, as noted above were Robert and Gouverneur Morris, both in the office of Finance. The anti-nationalist group was led by John Mercer, Richard Henry Lee, and John Rutledge. The nationalists insisted the

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<sup>28</sup>Ver Steeg, Robert Morris, p. 171.

<sup>29</sup>Ford, Journals, Vol. XXIV., pp. 42-44; Madison, "Notes on Debates," January 24, 1783, Hutchinson and Rachal, Papers of Madison, Vol. VI., pp. 120-121.

<sup>30</sup>James Wilson, quoted in, McDonald, Formation of the Republic, p. 25; Madison's Minutes, January 25, 28, 29, 1783; Ford, Journals, Vol. XXV., pp. 864-866, 870-875.

national debt must be funded by the Congress, and the anti-nationalists that it be divided among the states. Both sides agreed that the debt was a "cement" of the union; however, the anti-nationalists were concerned about the type of union if Congress became independent of the states. Heated debates ensued. Anti-nationalists attacked speculation in the national debt and demanded that distinctions be made between original holders and those who speculated in it. John Mercer of Virginia best expressed the views of most. He was opposed to commutation of the half pay provision for life to some other means "as tending in common with the funding of other debts, to establish and perpetuate a monied interest in the United States." This monied interest would gain the ascendance of the landed interest. The fear was that it could become dangerous to republican constitutions.<sup>31</sup>

While Congress faced the problems of finance, the army applied pressures that would prove to be the force producing results. It worked with nationalists outside the army. Gouverneur Morris resorted to direct appeals. On February 7, he wrote to Henry Knox of the Northern army, and sent a copy of the letter to General Nathaniel Greene in the South. "Efforts to obtain compensation from the several states was futile," he wrote. In short, wrote Morris, "during the

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<sup>31</sup>Jensen, The New Nation, pp. 72-73; Madison, "Notes on Debates," February 27, 1783, Hutchinson and Rachal, Papers of Madison, Vol. VI, pp. 297-300; Ford, Journals, XXV., 916.

war they find you useful and after a peace they will wish to get rid of you and then will see you starve rather than pay you a six-penny tax."<sup>32</sup>

On the same day Hamilton sent a letter to Washington in which he asserted, "the great desideratum, the object of all men of sense, "was, the establishment of general funds, and that "in this the influence of the army, properly directed, may cooperate." The object of this was support from the army for nationalists in Congress to obtain relief of all public creditors and the army.<sup>33</sup>

There is no lack of information in regard to pressure applied within the Congress or in the army. James Madison, writing to John Randolph on February 13, and placing his remarks in cipher, stated: "There is much reason to believe that the cloud which has been sometime lowering on the North River will not be dispelled by the rays of peace." If peace came the army would insist its claims being realized. Again on February 25, he wrote: "The discontents and designs of the army are every day taking a more solemn form. It is now whispered that they have not only resolved not to lay down their arms till justice is done...but...that a public

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<sup>32</sup>Gouverneur Morris to Henry Knox, quoted in, Mintz, Gouverneur Morris, p. 160.

<sup>33</sup>Hamilton to Washington, Syrette and Cooke, Papers of Hamilton, Vol. III., pp. 253-255.

declaration will be made to that effect." Madison also transmitted the letter to Randolph in cipher.<sup>34</sup>

Joseph Jones, Madison's colleague in Congress also indicated that he hoped the army would "exercise awhile longer at least, the patient forbearance, which hath hitherto so honourably distinguished them." Anyone acquainted with the deliberations of public bodies, he said, "especially so mixed a Body as that of Congress," would make allowances for their slow determination.<sup>35</sup>

Concern about the army was justified, for on March 10, a letter was put into circulation calling for a general meeting of all officers stationed at Newburgh. It was to be held the following day but was forestalled by Washington. The Newburgh Address of March 11, 1783, was a general demand by the military for settlement of all their claims. Referring to the memorial presented to the Congress in December, 1782, the Address closed with the following:

That in any political event, the army has its alternative. If peace, that nothing shall separate them from your arms but death; if war, that courting the auspices, and inviting the direction of your illustrious leader, you will retire to some unsettled country, smile in your turn, and, "mock when their fear cometh on." But let it represent also, that should they comply with the request of your late memorial, it would make you more happy and them more respectable. That while the war should continue, you would follow

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<sup>34</sup> Madison to John Randolph, Hutchinson and Rachal, Papers of Madison, Vol. VI., pp. 232-233; Burnett, Continental Congress, p. 560.

<sup>35</sup> Joseph Jones to Washington, Burnett, Letters, Vol. VIII., pp. 60-61.



their standard into the field, and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause; an army victorious over its enemies-- victorious over itself.<sup>36</sup>

The entire Address was suggestive of the need for the Congress to settle the claims called for in the memorial.

Finally, on March 12, 1783, Washington sent word to the president of Congress that the anonymous Address of March 11, and two others, were being circulated at Newburgh. The discontent in the army was reaching crisis proportions. Copies of three letters, comprising the "Addresses" were attached to Washington's letter. He informed Congress that he was calling a meeting of all officers for March 15, and closed his communication by saying: "I shall continue my utmost efforts to promote the welfare of my country, under the most likely expectations, that Congress has the best intentions of doing ample justice to the army as soon as circumstances will possibly admit."<sup>37</sup>

The author of the Newburgh Addresses was Major John Armstrong, Jr.. In the first of the three letters he reminded his readers of the hardships they had experienced in the long seven years war. He emphasized that they had won independence

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<sup>36</sup>Ford, Journals, Vol. XXIV., pp. 295-299; Richard B. Morris, Basic Documents of the Confederation and Constitution (New York: 1970), pp. 41-46.

<sup>37</sup>Ford, Journals, Vol. XXIV., pp. 306-310; Washington to the President of Congress, Fitzpatrick, Writings of Washington, Vol. XXVI., pp. 211-212.

for their country, that a continuance of their trust in the ultimate justice of the Congress, which "tramples upon your rights, derides your Cries--and insults your distresses" would be "Cowardice". He urged immediate resort to a last "Remonstrance" couched in terms of an ultimatum rather than in the "milk and Water Stile" of their former petitions. Armstrong was clearly calling upon the officers to reject any counsel of the Commander-in-Chief. His second letter suggested that even though Washington by General Orders had postponed the meeting for four days, he did in effect endorse Armstrong's proposal. "I thus publicly pledge my Honor as a soldier, and veracity as a Man, that I will then assume a visible existence, and give my name to the Army, with as little reserve, as I now give my Opinions," Armstrong concluded.<sup>38</sup>

Thirty-seven years after the circulation of the Newburgh Addresses Timothy Pickering, who had been at Newburgh during the critical period between March 11 and the 15th, and one John Montgard (a pseudonym used by Armstrong) shared their views as to the purposes and significance of the Addresses. They concluded that there were three interpretations. The first was that the Newburgh Addresses were designed to break down the civil authority and erect a military despotism. A second view was that the affair was an artificial drama contrived to give a sort of political and moral finishing to the

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<sup>38</sup>Hutchinson and Rachal, Papers of Madison, Vol. VI., p. 349, n. 1.

character of Washington and the army. A third interpretation was that the whole business was a complex plot to use the officers to change the deficient fiscal measures of the government. The third account, according to Armstrong, alias Montgard, was supported by some "highly and important acknowledged facts," and by others "less known."<sup>39</sup>

Although recognized as the author, Armstrong was only one actor in the drama at Newburgh. On February 26, the nationalists moved to incite the army. General McDougall wrote to Henry Knox indicating that there was little hope for the army to obtain satisfaction of its claims. Robert Morris requested permission of Congress to make his resignation public and the Congress agreed. The intent was to call into question the hopelessness of Confederation finance, and to create dissension within the army. At about the same time the nationalists alerted General Horatio Gates. Gates the "hero of Saratoga", an overbearing and sensitive general whose bad blood with Washington was longstanding, was also involved in the machinations. The young officers had gravitated to Gates. They were mild extremists who fumed at Washington's moderate leadership. For Gates, the discontent could be used to recoup his reputation and to snatch the army away from Washington.<sup>40</sup>

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<sup>39</sup>Kohn, "History of the Newburgh Conspiracy," pp. 187-189.

<sup>40</sup>Ibid., pp. 199-200, 205.

The emmissary selected to carry the information to General Gates at Newburgh was Colonel Walter Stewart. A former aide to General Gates, he was in Philadelphia recovering from an illness. Being an inspector in the Northern Army, his return to Newburgh would arouse little suspicion. He reached the camp on the Hudson, March 8, and if military protocol was observed, his first call should have been on Washington. There is no record of a specific meeting between Colonel Stewart and Gates, yet the possibility exists that they did. He could have conveyed or pledged the support of Robert Morris for any action the officers might take. Within hours after Stewart's arrival rumors filled the camp, suggesting "it was universally expected the army would not disband until they had obtained justice," that the public creditors would join the officers in the field if necessary, to redress their grievances, and that many in the Congress supported this view.<sup>41</sup>

On March 10, the call for the officers meeting previously cited, was issued. The following day William Barber, an assistant to Stewart in the inspector's department, took copies of the "Addresses" to the adjutant's office where officers of the various lines assembled each day for general orders. Shortly thereafter copies were circulated throughout the camp. What Armstrong had written created bedlam. Washington was dismayed and realized the officers of his command

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<sup>41</sup>Ibid., pp. 205-206.

were about to plunge "themselves into a gulf of Civil Horror." He had expected an eruption from hints Hamilton dropped the preceding month. Joseph Jones of Virginia, who was a member of the Congress, had warned Washington of the rumors in Philadelphia that the army would not disband. Although not surprised, the Commander-in-Chief faced a crisis situation.<sup>42</sup>

Washington now made his response to the "Addresses". Having notified the Congress on March 12, of his intent, he took his station in what was called the temple. Putting on his spectacles he withdrew his address from his pocket and opened with the following remarks: "Gentlemen, you will permit me to put on my spectacles, for I have not only grown gray, but also blind in the service of my country." He told the officers that he pledged his services to secure complete justice for them from the Congress. He appealed to them for their confidence, and asked them to share his belief that the Congress would fairly liquidate their accounts before disbanding the army.<sup>43</sup>

Having spoken for about twenty minutes, he withdrew in order to permit open discussion among those in attendance. The officers established a committee headed by Henry Knox to draft resolutions expressing the nature and sense of the meeting. Two reports were drafted. One expressed "unshaken

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<sup>42</sup>Ibid., p. 207.

<sup>43</sup>Washington to the Officers of the Army, Fitzpatrick, Writings of Washington, Vol. XXVI., pp. 222-227.

confidence" in the justice of Congress, the other "abhorrence and disdain" of the "infamous proposals" in the Newburgh Addresses. Both resolutions were adopted unanimously and the crisis was over.<sup>44</sup>

Washington was fully aware that his victory was temporary and could only be sustained if the Congress acted to satisfy the officers. He had closed the flood gates of civil discord. Washington had caused his army to face the implications of rash action, civil war, treason, and the undoing of the years of effort.<sup>45</sup>

Congress learned on March 22, that the crisis at Newburgh had been turned aside. A sigh of relief permeated the air as it turned in haste to hold onto what it had won. Madison noted that Washington's remarks suggested an urgency "in obtaining the necessary funds to satisfy the army." If they were not forthcoming, "serious events might follow."<sup>46</sup>

Congress immediately resolved to commute the half-pay for life provision passed in October, 1780, into whole-pay for five years, nine states voting in the affirmative. The only negative votes recorded came from delegates in New Hampshire, Rhode Island and New Jersey. Congress still had to

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<sup>44</sup>Ford, Journals, Vol. XXIV., 310-311; Herbert Aptheker, The American Revolution (New York: 1969), p. 138.

<sup>45</sup>McDonald, Formation of the American Republic, pp. 29-30, Kohn, "History of the Newburgh Conspiracy," pp. 210-211.

<sup>46</sup>Madison, "Notes on Debates," Hutchinson and Rachal, Papers of Madison, Vol. VI., p. 375.

provide for permanent funds to pay the army. Madison stated, "God only knows how the plans of agitation for satisfying the army's just expectations will terminate; or what will be the issue in case they should be abortive." Madison feared that the objective, the establishment of adequate and certain revenues, "call for more liberality and greater mutual confidence, than will be found in the American Councils." "Unless," he wrote to Edmund Randolph on April 1, "some speedy and adequate provision be made beyond that of the Confederation, the most dismal alternative stares me in the face."<sup>47</sup>

Stephen Higginson, a member of Congress, in a letter to Theophilus Parsons, Sr., written on April 7, touched the problem more acutely. He stated:

We are still hammering on a strange, though artful, plan of finance, in which are combined a heterogeneous mixture of imperceptible and visible, constitutional and unconstitutional taxes. It contains the impost, quotas, and cessions of western lands, and no part of it is to be binding unless the whole is adopted by the States. This connection and dependence of one part on another is designed to produce the adoption of the whole. The cessions are to serve as sweeteners to make the quotas more palatable to some States; and the receiving it in whole is made necessary to secure adoption of the whole, by working on fears of those States who wish to reject a part of it only.<sup>48</sup>

Higginson clearly points out the dilemma Congress faced in its attempt to raise funds to satisfy the army. It adequately sums

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<sup>47</sup> Ibid., pp. 421-422, 429-430; Ford Journals, Vol. XXIV, pp. 202-203, 207-210; Burnett, Continental Congress, pp. 568-569; Higgingbotham, War of American Independence, pp. 411-412.

<sup>48</sup> Stephen Higginson to Theophilus Parsons, Sr., Burnett, Letters, Vol. VII., pp. 122-124; Burnett, Continental Congress, pp. 568-569.

up the major problem that faced government under the Articles of Confederation; the complete lack of a taxing power.

As Congress debated and attempted to formulate a plan for obtaining funds, it ratified the provisional treaty of peace on April 15, 1783. Soldiers now became eager for discharge and Congress sought some way to disband the army. Washington had earlier advised Congress that at least three months pay would be necessary when disbandment became a reality. To add to the problem it was again rumored that the army would not lay down its arms until paid. In addition, Major John Armstrong was said to be in the city attempting to incite the army to make demands on the Congress. Congress now turned to Robert Morris who was to resign in May. Morris demanded assurance from Congress of firm support, but agreed to stay on as financier. He demanded that Congress once more call upon the States for assistance, "a phrase used so much as to be worn to a frazzle."<sup>49</sup>

The sum of money required for three months pay was 750,000 dollars. By overdrawing his own and public resources by half a million dollars, Morris was able to have the first notes in the hands of the army Paymaster on June 7, 1783. The atmosphere of tension had been broken, and although minor violence and threats persisted, the major crisis had vanished.<sup>50</sup>

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<sup>49</sup>Ford, Journals, Vol. XXIV., pp. 241-243, 369, 451, Burnett, Continental Congress, pp. 572-574.

<sup>50</sup>McDonald, Formation of the Republic, p. 30.



The theory of a coup d'etat as it relates to modern thinking, the replacement of an instituted government by the military, did not exist in the machinations of 1783. The army made no attempt to place in power any set group of men, although the military, aided by other public creditors, did indeed apply pressures on the existing government. Obviously, by 1783 clear lines of authority did not yet exist for the civil authorities and the military. Adding further confusion was the inability of the Congress under the Articles of Confederation to obtain funds to adequately support the army. Little wonder that the army should try the approach of pressure tactics through the Newburgh Addresses.<sup>51</sup>

Washington, through his experience of command of the Continental army, understood the feelings that persisted relevant to discontent. Further, he had knowledge of the machinations that culminated at Newburgh. At the same time that he notified Congress about the "Addresses," he also sent a letter to Alexander Hamilton in which he wrote:

There is something very misterious in this business. It appears reports have been propagated in Philadelphia, that dangerous combinations are forming in the army; and this at a time when there was not a syllable of the kind in agitation in the camp ... That it was universally expected the army would not disband until they had obtained justice; That the public creditors looked up to them for Redress of their own grievances, would afford them every aid, and even join them in the Field if necessary; That some members of the Congress wished the measure might take effect, in order to compel the public, particularly the delinquent States, to do justice, with many other suggestions of a similar nature.

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<sup>51</sup> Kohn, "History of the Newburgh Conspiracy," p. 219.

He then explained the actions he had taken in suspending the meetings at Newburgh to permit a cooling of the tempers.<sup>52</sup>

Hamilton, a member of the Congress, clearly implicated himself in the pressure tactics taking place in Philadelphia. In response to Washington's letter pertinent to the intrigue, Hamilton explained the matter:

Your Excellency mentions that it has been surmised the plan of agitation was formed in Philadelphia; that combinations have been talked of between the public creditors and the army, and that members of the Congress have encouraged the idea. This is partly true. I have myself urged in Congress the propriety of uniting the influence of the public creditors, and the army as a part of them, to prevail upon the states to enter into their views, I have expressed the same sentiments out of doors. Several other members of Congress have done the same...As I mentioned to Your Excellency in another letter, I thought the discontents of the army might be turned to good account. I am still of the opinion that their earnest, but respectful applications for redress will have a good effect...As to any combination of Force it would only be productive of the horrors of a civil war, might end in ruin of the country and would certainly end in ruin of the army.

Hamilton admits to his participation and suggests that of others. Although the actual use of force was not intended on the part of the army, Hamilton does confirm the machinations between the public creditors and the army. It was a dangerous game they all played.<sup>53</sup>

Madison also bears witness to the fact that Hamilton was engaged in the use of pressure tactics. During debates

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<sup>52</sup>Washington to Joseph Jones and Alexander Hamilton, Fitzpatrick, Writings of Washington, Vol. XXVI., pp. 213-218.

<sup>53</sup>Syrette and Cooke, Papers of Hamilton, Vol. III., pp. 290-293.

in the Congress, January 8, 1783, the discussion centered on how far the federal government could go in coercing the states to accept an adequate funding system. Hamilton responded that he supposed there would be obstacles in any plan devised to raise general revenue. He signified that as the energy of the federal government was evidently short of the degree necessary for pervading and uniting the states, it was expedient to introduce the influence of the officers deriving their emoluments from and consequently interested in supporting the power of Congress. Madison noted that "this influence was the very source of jealousy which rendered the states adverse to a revenue under the collection and appropriation of Congress." Congressional members present who supported state views smiled at Hamilton's disclosure. Mr. Hamilton had let the secret out: the use of outside pressures to force the states to support the Congress.<sup>54</sup>

Washington had also been warned on February 27th. Joseph Jones of Virginia wrote a letter in which he warned Washington that reports were freely circulated relative to "dangerous combinations in the Army." They are he said, "about to declare that they will not disband until their demands are complied with. "He hoped the reports were not well founded, and that the army would be patient awhile longer. He ended by adding:

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<sup>54</sup>Madison, "Notes on Debates," January 28, 1783, Hutchinson and Rachal, Papers of Madison, Vol. VI., pp. 142-143.

To you it must be unnecessary to observe that when once all confidence between the civil and military authority is lost, by intemperate conductor on an assumption of improper power, especially by a military body, The Rubicon is passed and the retreat will be very difficult, from the fears and jealousies that will unavoidably subsist between the two bodies.<sup>55</sup>

Jones had forewarned Washington about two weeks preceding the Newburgh Addresses.

Following the Newburgh affair and the arrangement for placing funds in the hands of the troops, there remained the problem of disbanding the army. On May 26, the furloughing of men and officers began. Non-commissioned officers and soldiers who enlisted to serve during the war, together with a proportionate number of commissioned officers were furloughed, with the promise they would be discharged upon signing of the definitive treaty of peace. The release of men proceeded rapidly and soon many of the soldiers had returned home. They departed, as Washington reported, on June 24, "with perfect good order," but he emphasized, "without the settlement of their Accounts or a farthing of money in their pockets." Although most had not received the promised notes, disbandment moved smoothly.<sup>56</sup>

Relative to the Newburgh affair and the machinations it included, documented data indicates there was a plan the officers and creditors hoped would rectify their grievances.

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<sup>55</sup> Joseph Jones to Washington, Burnett, Letters, Vol. VII., pp. 60-63.

<sup>56</sup> Washington to the President of Congress, Fitzpatrick, Writings of Washington, Vol. XXVII., pp. 32-33.

Rufus King wrote that he had a conversation with a Colonel Wm---r on October 12, 1788, some years after the crisis. The Colonel with whom he conversed served at Newburgh. King wrote:

From this conversation it appears that the arrival of peace and the approaching dissolution of the army formed a singular crisis in the military annals of America--a return to private life was to a majority of the American officers a prospect of obscurity if not of actual misery. The American governments were not favorable to their claims...They were without wealth or family influence and their military situation was more inviting and pleasant than any they could expect or hope...they must have a leader and property must be combined for their support. Although the severe virtues of the Commander in chief gave small hope of his countenance, yet they did not despair of alluring him in some measure to their views. Colonel Walter Stewart was employed by the conspirators to sound the General. How far the plan was opened to him does not appear; but a fixed conviction in the mind of Colonel Stewart was they would meet with the most decided opposition. Genl. Gates was then fixed on as the leader, and the conspiracy was too inviting to be rejected by him.<sup>57</sup>

King states that the group contacted Robert Morris, and in the hopes of future greatness and sole direction and control of Finances if the plan succeeded, he joined the group. Knox learned of the plan and communicated the information to Washington. This gave the Commander time to prepare for the uprising which he promptly subdued.<sup>58</sup>

The importance of the Newburgh conspiracy is the fact that no military force used its power and arms against the

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<sup>57</sup> Charles R. King, The Life and Correspondence of Rufus King 6 vols. (New York: 1971), Vol. I., pp. 621-622.

<sup>58</sup> Ibid., pp. 621-628.

civil authority. Its impact at that moment of history brought forth the fact that government required the power to raise the necessary revenues to conduct its affairs. Under the Articles of Confederation no taxing power was available to meet the financial requirements of the nation that was being formed. The distresses borne by the military were clearly a result of this lack of finance needed to carry out the war. Had the Revolutionary War been prolonged beyond 1781, one can only ponder the result.

The story of Newburgh is best emphasized in the following statement by one of the leading historians of the Newburgh incident:

That the disbanding of the Revolutionary Army without a damaging incident assured that the civil-military relations for the foreseeable future would be an administrative rather than a political problem. America did stand at the crossroads in March, 1783. Today, as one weighs an impossible number of variables and attempts to judge the alternatives without the certainty that hindsight normally offers, the significance is vague and indistinct.<sup>59</sup>

The men holding military and political power at the time of the Newburgh affair learned the problems the emerging nation faced. The lessons they learned did have a profound effect on the structure of government that finally emerged in 1787.

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<sup>59</sup>Kohn, "History of the Newburgh Conspiracy," p. 220.

## CHAPTER VI

### A STRIKE AT THE GOVERNMENT MUTINY AGAINST THE CONGRESS

With Newburgh in the past, Congress turned to the problem of disbanding the army. On May 26, 1783, following numerous debates over the issue, Congress resolved to furlough the troops. Washington was directed to place the resolution into effect and the process began. The troops would not be discharged until the definitive treaty of peace became a reality. Officers were to accompany the men to their respective states, and they were allowed to carry home their arms.<sup>1</sup>

Unable to pay the army all that was due, provisions for the grants of western lands were authorized. Each officer and soldier in the army was given thirty acres of land. Those who had served three years were to be awarded lands in the amount they had previously received in bounties from the Congress. The movement home proceeded smoothly.<sup>2</sup>

The first indication that trouble might begin came on May 22, when men in Colonel Baylor's Virginia regiment decided

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<sup>1</sup>Ford, Journals, Vol. XXIV., pp. 358, 384.

<sup>2</sup>Ibid., pp. 384-385.

to mutiny, demanding pay. Congress received the information, and on June 16 it offered a pardon to the men who restored themselves to duty. It threatened the others with action under the Articles of War unless they returned. The incident was not a serious revolt; nevertheless, it was indicative of further troubles.<sup>3</sup>

The Virginia incident over, another began in the barracks at Philadelphia. Noncommissioned officers of several companies, comprised of recruits who had seen no arduous service, petitioned the Congress in threatening language. They demanded overdue pay prior to going on furlough. Secretary of War Benjamin Lincoln went to the troops and warded off the mutiny by having General St. Clair transfer most of the soldiers to Lancaster. Anticipating further troubles he diverted troops of General Wayne's forces returning from the south to Wilmington for disembarkation. Affairs now appeared to be quiet.<sup>3</sup>

Trouble and discontent now started at Lancaster. Colonel Richard Butler received notice on June 17 from sergeants at the barracks that they were marching to Philadelphia to demand justice. The leaders of the outbreak were a Captain Henry Carberry and a Lieutenant John Sullivan. Butler could

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<sup>3</sup>Madison "Notes on Debates," Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 141; Collins, Continental Congress at Princeton, pp. 9-15; William Henry Smith, The St. Clair Papers: The Life and Public Services of Arthur St. Clair, 2 Vols. (Cincinnati: 1882), Vol. I., p. 586 and n. 2, p. 587.



not reason with the troops and on the same day about eighty men marched off to Philadelphia.<sup>4</sup>

James Madison recorded in his notes that the mutinous troops marched into Philadelphia on June 20, took possession of the powder house and arsenal and were joined by other soldiers from the Philadelphia barracks. The following day about two-hundred troops surrounded the State House. They were armed and in a mutinous mood. Congress had convened delegates from six states who were now assembled in the building.<sup>5</sup>

Before John Dickinson, President of the Council, came to the hall, he and the Supreme Executive Council had received a petition from the mutinous soldiers threatening them with armed force in a response was not forthcoming within twenty minutes. At about the same time General St. Clair gave Dickinson a request from the Congress that asked the Council to adopt measures which would draw the soldiers off to their barracks. The petition demanded authority from the Council that would permit the mutinous troops to appoint their own officers, who would in turn present the grievances of the soldiers to the Council. Veiled threats were implied. The stage was now set for the humiliation of the national government.<sup>6</sup>

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<sup>4</sup>Collins, Continental Congress at Princeton, pp. 9-15.

<sup>5</sup>Madison, "Notes on Debates," Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 178, n. 1.

<sup>6</sup>Minutes of the Supreme Executive Council of Pennsylvania (Harrisburg, Penn.: 1853), Vol. XIII., June 13, 1781 to December 31, 1783, p. 605.

In the Congress action was also taken. It resolved to appoint a committee to confer with the Pennsylvania authorities. They were to seek proper measures that would reduce the threats made by the troops and to restore order. Alexander Hamilton, Richard Peters and Olliver Ellsworth, comprised the Committee of the Congress.<sup>7</sup>

Different versions appear concerning the train of events that transpired during the period of June 20-24. Members of the Congress felt that more than discontent on the part of the soldiers caused the mutiny, that private individuals, whose names were successfully concealed, used the mutiny to their advantage. In the opinion of Boudinot and other members of the Congress these individuals held certificates on which the interest had not been paid. Benjamin Hawkins and Hugh Williamson of North Carolina clearly expressed views that outsiders were involved.<sup>8</sup>

The committee of Congress followed its initial request for restoration of order with one that specifically asked the Council to call out the state militia. Either through fear or knowledge that the militia would not act against the mutineers, the Council rejected the request. By four o'clock, June 21, Boudinot had forwarded a letter to General Washington stating the facts as they existed at that time. The Council agreed to

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<sup>7</sup>Ford, Journals, Vol. XXIV., p. 405.

<sup>8</sup>Collins, The Continental Congress at Princeton, p. 12.

a mildly worded resolution which promised the troops that their claims would be considered if properly presented. With this understanding they quietly returned to their barracks.<sup>9</sup>

The letter to Washington requested that troops be moved to the city and that the accounts of the soldiers be closed by the army Paymaster. No bodily harm occurred during the confrontation at the State House. It would appear that Boudinot and the Congress overreacted to the situation.<sup>10</sup>

History repeated itself for Washington again ordered a body of troops to move from the Newburgh area to quell a mutiny. It is an irony of history that Washington had on June 8, 1783, dispatched a circular letter to the states in which he acknowledged that the object of his service was accomplished; he was preparing to return to domestic retirement. He spoke of those things important to the tranquility of the United States. Compensation for the soldiers along with the public creditors, was considered a necessity. He wrote: "Who would not blush to stand up and propose measures purposely calculated to rob the soldier of his just stipend and the public creditor his due?" He mentioned the half-pay and commutation issue. Washington asserted, "As to the idea which I am informed, has in some instances prevailed, that

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<sup>9</sup>Madison, "Notes on Debates," Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 179, n. 1, 2, 3, 4.

<sup>10</sup>Ibid., p. 179, n. 4; Ford, Journals, Vol. XXIV., p. 410.

the half-pay and commutation are to be regarded merely in the odious light of a pension, it ought to be exploded forever."<sup>11</sup>

Boudinot's letter removed the tranquility Washington had referred to in the circular letter. Pay, furlough, and grievances of the soldiers was still a fact on June 24, when Washington responded to Boudinot's communication. Troops were now readied for the march to Philadelphia. It is an historical coincidence that Major General Howe, who had suppressed the mutiny at Pompton, New Jersey, in January, 1781, was again ordered to take a detachment of troops to quell another mutiny. The troops were to be properly equipped for health and comfort, and were to proceed to Philadelphia over a route that was through the area of previous mutinies.<sup>12</sup>

Simultaneous to the action taken by President Boudinot, Hamilton drafted a letter for the Congress which was sent to John Dickinson on June 23. He requested that a written reply be forwarded to the Congress relevant to the action the Council intended to take. It would appear that Hamilton was protecting the Congress from any further repercussions. The Council did not call out the State Militia to suppress the mutiny at this particular time.<sup>13</sup> One must assume that

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<sup>11</sup>Fitzpatrick, Writings of Washington, Vol. XXVI., pp. 483-496.

<sup>12</sup>Ibid., XXVII., pp. 32-34.

<sup>13</sup>Minutes of the Supreme Executive Council, Pennsylvania, Vol. XIII., p. 608.

Hamilton and the Congress were attempting to place all of the blame for the mutiny and its suppression on the Supreme Executive Council and President Dickinson.

President Boudinot followed his first letter to Washington by another written seven hours later. He brought Washington up to date and said he was awaiting a response from the Council. On June 23, Boudinot sent a letter to his brother Elisha, informing him of the mutiny. He stated that Dickinson and the Council did not have the firmness to call out the militia. The mutineers he said, "had arms in their hands," and, "it is well if we are not prisoners in a short time." Boudinot went on, "The Congress had authorized him to change its place of residence." Adjournment to New Jersey was indicated. He concluded, "I wish you could get a Troop of Horse to offer aid and be ready if necessary to meet us at Princeton on Saturday or Sunday next, if required."<sup>14</sup>

Congress did agree to move to Princeton, New Jersey, and a Proclamation to that effect was published. It has to be one of the most interesting and astonishing documents of that period of history. It follows:

June 24, 1783

By His Excellency, Elias Boudinot, Esquire,  
President of the United States in Congress Assembled

#### A PROCLAMATION

Whereas a Body of armed Soldiers in the Service  
of the United States, and quartered in the Barracks

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<sup>14</sup>Boudinot to Elias Boudinot, Burnett, Letters, Vol. VII., pp. 193-196.

of this City, having renounced their Obedience to their officers, did, on Saturday the twenty-first day of this instant, proceed under the direction of their Sergeants, in a hostile and threatening manner, to the place in which Congress assembled, and did surround the same with Guards: And whereas Congress in consequence thereof, did, on the same day, resolve "That the President and the Supreme Executive Council of this State, should be informed, that the authority of the United States, having been that day grossly insulted by the disorderly and menacing appearance of a Body of armed Soldiers about the place within which Congress were assembled; and that the peace of this city being endangered by the mutinous disposition of the said Troops then in the Barracks; it was, in the opinion of Congress, necessary, that effectual measures should immediately be taken for supporting public authority: "And also whereas Congress did, at the same time, appoint a committee to confer with the said President and Supreme Executive Council on the practicability of carrying the said Resolution into due effect: And also whereas the said Committee have reported to me, that they have not received satisfactory assurances for expecting adequate and prompt exertions of this State for supporting the dignity of the Federal Government: And also whereas the said Soldiers still continue in a state of open mutiny and revolt, so that the dignity and authority of the United States would be constantly exposed to a repetition of insult, while Congress shall continue to sit in this City, I do therefore, by and with the Advice of the said Committee, and according to the powers and authorities in me vested for this purpose, hereby summon the honourable the Delegates composing the Congress of the United States, and every one of them, to meet in Congress on Thursday the Twenty-Sixth Day of June instant, at Princeton, in the state of New Jersey, in order that further and more effectual Measures may be taken for suppressing the present Revolt, and in maintaining the Dignity and Authority of the United States, of which all Officers of the United States, civil and military, and all others whom it may concern, are desired to take Notice and govern themselves accordingly.

Given under my Hand and Seal at Philadelphia, this Twenty-Fourth Day of June, in the Year of our Lord One

Thousand Seven Hundred and Eighty-Three, and the  
Sovereignty and Independence the Seventh.

ATTEST  
Samuel Sterett, Private Sec.

ELIAS BOUDINOT<sup>15</sup>

This is probably one of the rarest broadsides of the period and few copies managed to get out of the city of Philadelphia. Most of the copies that were posted throughout the city were torn down by the mutineers, an armful at least being so destroyed. The Proclamation created an immediate sensation among the inhabitants.<sup>16</sup> It was printed in the Pennsylvania Packet, June 25, 1783.<sup>17</sup>

A fury of communications took place as the delegates in the Congress wrote their respective states. James Madison of Virginia wrote Governor Benjamin Harrison on June 24. Explaining the events Madison reported that, "In this state things now remain, the temper and views of the mutineers are not as yet ascertained, as little are known the root or extent of the evil." Benjamin Hawkins wrote on the same day to Governor Alexander Martin of North Carolina. After explaining that the Supreme Council of Pennsylvania was too timid or indecisive to act, he added, "And what is more surprising or perhaps fatal to the Union, it is said there could be no force collected in the city to quell it."<sup>18</sup>

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<sup>15</sup>Collins, The Continental Congress at Princeton, pp. 28-29; Burnett, Letters, Vol. VII., pp. 195-196.

<sup>16</sup>Collins, The Continental Congress at Princeton, p. 30.

<sup>17</sup>The Pennsylvania Packet, June 25, 1783.

<sup>18</sup>Madison to Benjamin Harrison and Hawkins to Alexander Martin, Burnett, Letters, Vol. VII., pp. 197-199.

Yet, the Supreme Council had not been idle. John Dickinson met with the board of sergeants on June 23. They presented a letter which directed him to exert pressure or compulsive measures to bring about speedy and ample justice. He was warned that, "Should you show a disposition not to do all in yours, death is the inevitable fate." Dickinson had long ago expressed himself in opposition to "Standing Armies." To this he could now add the personal experience with the discontented mutinous soldiers.<sup>19</sup>

Then on June 24 the Supreme Council met with the Field Officers of the Pennsylvania Militia assigned to the city. The purpose of the meeting was to discuss the use of the militia against the mutineers. It was agreed by the Council and the Field officers that this use would be imprudent and might aggravate the situation. If negotiations with the revolting soldiers failed, or outrages were committed, then the use of militia troops would be justified. The conference closed with the Council requesting that the officers hold their commands in readiness for any eventuality. Word was also disseminated during the conference that the mutineers were selecting a committee to present their complaints the following day.<sup>20</sup>

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<sup>19</sup>Minutes of the Supreme Executive Council of Pennsylvania, Vol. XIII., p. 663.

<sup>20</sup>Ibid., p. 610.



The same evening intelligence reported that the troops were planning an attack on the bank. The Council directed that the militia officers call up their commands, and ordered the Commissary of Military Stores to deliver arms and ammunition according to previously formulated plans. The anticipated attack did not materialize. It is important to note, however, that the Council did take specific actions. Allegations made later, by the Congress relative to the timidity of the Council, appear to have no basis in fact. The Council was prepared to act.<sup>21</sup>

In reality, the mutiny was over before the evening of June 24. The Proclamation issued by President Boudinot was unexpected and undoubtedly threw fear into the mutineers. The mutineers had drawn up a memorial to present to the Council which they read to the soldiers at parade on June 24. Contained in the document were the same basic claims that had caused earlier uprisings. The troops demanded rations they were promised at the start of the war, patents for land, three years pay, and the balance of their half-pay to include a date of redemption. Lastly, they demanded that any settlement include all of the troops of the Pennsylvania Line, wherever they might be. The memorial was signed by one Sergeant Bennet. But with the Proclamation published and rumors that Washington was enroute to the city with a body of

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<sup>21</sup>Ibid., p. 611.

troops permeating the air, the mutiny collapsed. Two ring-leaders of the revolt, Henry Carberry and John Sullivan, positively identified in the documents of the period, fled the camp the next day.<sup>22</sup>

Strange and mysterious is the story of Captain Carberry and Lieutenant Sullivan. Their identities and participation leave many unanswered questions. Carberry's military record follows:

Carberry, Henry (MD) 2nd Lieutenant of Hartley's Continental Regiment, 13th January, 1777; 1st Lieutenant, 11th September, 1777; Regiment designated 11th Pennsylvania, 13th January, 1779, wounded 13th August, 1779, where not stated; retired 17th January, 1781; Captain in the Levies under General St. Clair in 1791; Captain of Infantry United States Army, 16th March, 1792; resigned 10th February, 1794; Colonel 36th United States Infantry, 22nd March, 1813, resigned 4th March, 1815. (Died 26th May, 1822.)<sup>23</sup>

The official record of Captain Carberry indicates that he was not in the Continental Army at the time of the mutiny, however, it does not preclude service in the Pennsylvania Line in June, 1783. During the mutiny against Congress, General St. Clair was present in the city and made actual contact with the troops. He must have been aware of the Carberry affair, yet, in later years the two served in the same command. The Journals of the Continental Congress

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<sup>22</sup>Collins, The Continental Congress, pp. 30-31; Madison to John Randolph, Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 206.

<sup>23</sup>Francis B. Heitman, Historical Register of Officers of the Continental Army, April 1775, to December, 1783 (Washington, D.C.: 1914), p. 143.

cite the mutiny in detail and the Letters of the Members contain various references to the Carberry affair.<sup>24</sup> Certainly unanswered is how Carberry managed to be restored to the service after participating in the mutiny.

The records of Sullivan are complete. They reflect that he left the service at the time of the mutiny and the case closes with a final disposition. The record reads:

Sullivan, John, (Pa.). Coronet 4th Continental Dragoons,---; Lieutenant, 1st October, 1777; left the service in June, 1783, without leave before conclusion of the war; see Journal of Congress 27th June, 1786.<sup>25</sup>

When the mutiny collapsed Carberry and Sullivan made their way on horseback to Chester, Pennsylvania. President Boudinot received a letter from one Eleazer McComb who stated he had dined with a Mr. Richardson, who aided Carberry and Sullivan in boarding a ship for England. Richardson mentioned that both men were armed, and it is evident he did not realize the seriousness of the matter.<sup>26</sup>

Others were less fortunate. General Howe arrived at Princeton on June 30, and then proceeded to Philadelphia where he remained until September, conducting investigations and trials relevant to the mutiny. Others accused of being implicated were Captain James Cristie, Lieutenant William Houston,

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<sup>24</sup>Madison, "Notes on Debates," Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 93.

<sup>25</sup>Heitman, Register of Officers, Continental Army, p. 527.

<sup>26</sup>McComb to Boudinot, Burnett, Letters, Vol. VIII., p. 227.

Captain Jonas Simonds and Captain John Steele. A general Courts Martial acquitted Cristie, Simonds and Houston. Steele apparently escaped trial and was released from confinement. The sergeants involved were Nagle, John Morrison, William Robinson, John Smith, Solomon Townsend and James Bennet. Nagle and Morrison were condemned to death, but they petitioned Congress. Their pleas, strengthened by endorsements of Doctor Benjamin Rush and other prominent Philadelphia citizens, were honored, and they received full and absolute pardons. Howe notified Washington on September 2, that Robinson and Townsend had fled the continent. Smith avoided capture and Sergeant Bennet goes unmentioned after June 23, 1783. Except for Carberry, the investigation and trials had ended.<sup>27</sup>

The newspapers in Philadelphia gave wide coverage to the mutiny. A correspondent in the Pennsylvania Gazette, July 2, 1783, said that the Congress conceived the dignity of the Union somewhat touched by the appearance of an armed body, and as the state took no immediate measures to call forth the militia, Congress conceived the dignity (not the danger) of the case required it to adjourn to Princeton, New Jersey. "It is remarkable," said the author, "that our American tumults are the most orderly, quiet, harmless and peaceable in the world." He went further stating that "the

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<sup>27</sup> Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 213, n. 5; Ford, Journals, Vol. XXIV., pp. 509-510, 514, 517.

Union is the great dignity of America without which we have no character abroad and diminish into petty states." The American government had been forced out of its capitol. It now, said the writer, "was exposed to every foreign insult and internal dissensions; we cannot pay much attention to its support."<sup>28</sup> The statement appears to have come out of the mouth of someone in favor of government stronger than that which existed.

A Mr. "Z" writing in the Pennsylvania Packet, July 2, 1783, castigated the Congress. He knew of no Sovereign power that acted as the Congress did. He asserted that, "Pennsylvania laws precluded the use of militia to suppress the mutiny unless by regular notice and assumed the Congress should know this." As to their right to adjourn and move to Princeton, they had a right to do this, but, "they had no right to charge the city or state with failure to act." He called attention of the public to defects in the Congress. But he noted:

It is vain to say the defects lie in the Congress personally, for the difficulties took place while those who formed the Confederation sat as members. Bring all the men into Congress now, who were concerned in forming the Confederation and they will not be able to support the character and dignity of the country under it, nor even stem the difficulties it throws in their way. One fact, however, is certain, which is, that there is a defect somewhere, and it is our duty, interest and happening, to remove it.<sup>29</sup>

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<sup>28</sup>The Pennsylvania Gazette, July 2, 1783.

<sup>29</sup>The Pennsylvania Packet, July 2, 1783.

Mr. "Z" sounded like a creditor or one holding nationalists views hoping for the strengthening of government.

On July 9, 1783, a spectator sent in the following to the Pennsylvania Packet. He noted; "the fact that no loss of life occurred should in the least be, considered a credit to the State and the Congress." Referring to Thomas Paine in his "Common Sense," the writer quoted as follows:

Republics, by negotiating mistakes, prevent unnecessary mistakes and prevent wars with each other. Why should not the rulers of republics by negotiating revolts, prevent the unnecessary bloodshed among the citizens.

He was satisfied because the mutiny caused no loss of life or injury to the participants or the citizens of the city.<sup>30</sup>

The papers did not omit the possibility that the instigators of the revolt using underhanded trickery were at the bottom of the mutiny. "Vox Populi" suggested the same in Freeman's Journal. When all the events of June and the immediately following months are placed in perspective, it is not unreasonable to assume. Robert Morris and General Benjamin Lincoln came in for a share of the blame. They were accused of trickery and being the true cause of the revolt.<sup>31</sup>

There is a sworn affidavit in the Berks County, Pennsylvania records, recorded as Number 2, sworn to before one Daniel Levan, Clerk in the office of records. The deposition

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<sup>30</sup>The Pennsylvania Packet, July 8, 1783.

<sup>31</sup>Freemans Journal, quoted in Collins, The Continental Congress at Princeton, p. 34.

was made by one Benjamin S. Spyker, Junior. It documented an interesting and intriguing story. Spyker claimed that on the morning of the same day that he signed the affidavit, June 28, 1783, he met a certain Nicholas Brosius who took him to meet a Sergeant Nagle. Nagle claimed, that while stationed at Lancaster, he received four letters asking that the Lancaster detachment come to Philadelphia if they wanted a settlement of their grievances. He described the march to that city where they were joined by troops stationed in the Philadelphia barracks. They entered the city to the applause of the citizenry. Nagle stated that he and one other soldier were deputized by the unit to carry a list of grievances to President Dickinson. When they confronted Dickinson they demanded he sign and with shaking hands he complied. The statement called for a settlement within three days and threatened repercussions in the event the demands were not met. Nagle's deposition, though confusing, merits consideration because he stated the following: "It caused Congress to flee the night." Further, that back at the barracks a wooden-legged Morris, General St. Clair and President Dickinson presented themselves to the soldiers for a conference. The soldiers refused to listen. There was no mention of a settlement of the grievances. That night the troops entered the city of Philadelphia and tore down the proclamations that had been posted by the Congress. The story is interesting for it places Gouverneur Morris, a participant in the machinations

at Newburgh in March of the same year, on the scene in Philadelphia.<sup>32</sup> One must ask, what was the role of Morris in the mutiny? Although the information is scanty, his presence is suggestive of more creditor-undercover activities, similar to those at Newburgh.<sup>33</sup>

Numerous opinions by members of the Congress, in addition to those of Madison and Hawkins already cited, are contained in the official documents of the period. Prior to their dissemination, Hamilton wrote for the Congress, specific instructions to General Howe relevant to the investigation of the mutiny. He concluded by saying that if it appeared any persons not belonging to the army have been concerned in promoting or abetting the disorders, application should be made to the proper civil authorities to proceed against them. It is strange that this particular portion of the instructions were lined out prior to their transmission. It could have been done by Hamilton or Boudinot, both of whom were involved in the instructions. The records are not conclusive.<sup>34</sup>

Boudinot wrote to the Ministers Plenipotentiaries at Paris, July 15, 1783. A comprehensive report of the mutiny,

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<sup>32</sup> Samuel Hazard, Pennsylvania Archives. From the Original Documents in the Office of the Secretary of the Commonwealth (Philadelphia: 1854), Vol. X., February 15, 1851, to March 1852, pp. 578-579.

<sup>33</sup> Mintz, Gouverneur Morris and the Revolution, pp. 139-160.

<sup>34</sup> Syrette and Cooke, The Papers of Hamilton, Vol. III, pp. 410-411.



to include outside activities by persons unknown, can be found in the letter. Boudinot said that two citizens had been concerned in this wicked plot, but they had not been identified. Very suspicious circumstances attended those engaged in the mutiny. One of the sergeants related to the story that the plan was not against the Congress but against the city and the bank. The revolting troops were to be joined by straggling parties from different parts of the country, and "after execution of the horrid purposes," they were to escape to the East Indies. He said that the calling of the Saturday meeting of the Congress caused the plan to fail.<sup>35</sup>

In the same month Hamilton wrote an article called "Defense of Congress" in which he reflected on the weaknesses of the Congress relative to the Articles of Confederation. He said that it was found daily that the Articles of Confederation were inadequate to the purpose. It was the duty of all those who have influence in the community to unite their efforts, to direct the attention of the people to the true source of public disorders, "the want of an efficient government." If the states were to be happy there must be a stronger bond of union drawing forth the resources of the country. The haste in which the Congress departed Philadelphia can be construed to be one of those weaknesses.<sup>36</sup>

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<sup>35</sup>Boudinot to the Ministers Plenipotentiaries at Paris, July 15, 1783, Burnett, Letters, Vol. VII., p. 223.

<sup>36</sup>Syrette and Cooke, Papers of Hamilton, Vol. III., pp. 426-431.

An extremely interesting letter was written to General Gates, June 26, 1783, from John Armstrong, Junior, now located in Philadelphia. He discussed the mutiny and noted that it had ended. Order had been restored in the streets and the "wheels of government once more goes around." He ended on this note:

The Grand Sanherrim of the Nation, with all their solemnity and emptiness, have removed to Princeton, and left the state, where their wisdom has long been questioned, their virtue suspected, and their dignity a jest.<sup>37</sup>

It is strange or coincidental that Armstrong was now in Philadelphia where he acted as the Secretary of the Supreme Executive Council. When the army disbanded Armstrong returned to Philadelphia and promptly found political employment with that body. In this capacity he became involved in some of the correspondence relative to the apprehension of the sergeants who participated in the mutiny, and further, in the case of Carberry.<sup>38</sup>

The Carberry involvement was an important part of the mutiny involving the Congress. Henry Laurens, then in London, wrote to the American Ministers in Paris on August 9, 1783. Carberry had made contact with Laurens and expressed deep

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<sup>37</sup> Armstrong to Gates, June 26, 1783, Burnett, Letters, Vol. VII., pp. 199-200., n. 1.

<sup>38</sup> Allen Johnson, ed., Dictionary of American Biography, 22 Vols. (New York: 1938), Vol. I., p. 335; Hazard, Pennsylvania Archives, Vol. X., pp. 63, 65, 66, 291.

concern over his conduct in the revolt. He stated he wanted to return to America, but he sought assurances of personal safety and asked for funds to cover his daily expenses. Laurens advised him to return and to submit to the Congress. Carberry feared the prospect of undergoing trial, stated that the government owed him 1200 pounds, exclusive of lands. Although Laurens pitied Carberry, he shunned giving him assistance because he felt he would, "incur censure at home."<sup>39</sup>

In the meantime there appears to have been no further difficulties in regards the disbandment of the army. But the realization they had not been properly released with their just due paid, continued in the minds of the officers and men. The Boston Gazette published on August 4, 1783, the principles of a plan put forth by the Officers of the Pennsylvania Line. They requested the Congress to utilize lands in the west so that it could meet its commitments to the army and suggested a plan that would give warrants to the soldiers for lands, allowing them three years time to locate specific tracts of land they desired for themselves. After six months lands could be sold to the public and the money utilized to pay the army. The officers felt that the American people would not object to a plan that would relieve them of great debt and do justice to the men who had served the cause. The article points out vividly that although the army was disbanded their just settlement was still a matter of concern.<sup>40</sup>

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<sup>39</sup>Laurens to the American Ministers at Paris, Burnett, Letters, Vol. VII., p. 228.

<sup>40</sup>The Boston Gazette, August 4, 1783.

President Boudinot made the disbandment of the American army complete when he issued the Proclamation of October 18, 1783. He called attention to the "patriotic virtue and heroic achievements which exalted them to a high rank among the most zealous and successful defenders of the rights and liberties of mankind." Furloughs were brought to an end:

And it is our will and pleasure, that such part of the federal armies as stand engaged to serve during the war...from and after the 3rd day of November next, be absolutely discharged from the said service...And of such discharge and permission to retire from the service respectively, all our officers, civil and military, and all others whom it may concern, are required to take notice, and to govern themselves accordingly.<sup>41</sup>

Congress had experienced the mutiny of 1783, and now it was over, except for the matter of Carberry. This issue continued into 1786. Letters of Members of the Congress contain significant references relative to the case. Carberry returned to his native state of Maryland sometime in 1784. On the 24th of April, 1784, a committee of the Congress composed of Jacob Reed, John Montgomery and Thomas Stone, directed Maryland authorities to produce Carberry before a judge of the General Court of Maryland.<sup>42</sup> This was done and Carberry was incarcerated. Later that month, April 30, the Pennsylvania delegates to Congress notified President John

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<sup>41</sup> J.J. Boudinot, The Life, Public Services, Addresses and Letters of Elias Boudinot, 2 Vols (Boston: 1896), Vol. I, pp. 418-419.

<sup>42</sup> Committee of Congress to Henry Gassaway, April 24, 1784, Burnett, Letters, Vol. VII., p. 499.

Dickinson of Pennsylvania of this fact. They further informed him that Carberry was subject to delivery to the authorities of that state.<sup>43</sup>

On May 18, Dickinson was notified by the delegates that they had informed the Congress to return all papers in the case to the Executive Council of Pennsylvania, the papers having earlier been furnished to the Congress. In the intervening period Dickinson and the Governor of Maryland, William Paca, carried on a correspondence pertinent to the case. The issue became one over jurisdiction in the case. Since Carberry had been jailed on orders of the Congress, and the crime was considered of a high nature, a clear opinion as to the responsibilities in the case fell into the hands of Supreme Court Justices of the two states.<sup>44</sup>

It is documented that the state of Pennsylvania made a request for the extradition of Carberry. In Maryland, Governor Paca and the General Court viewed the case in different contexts. The matter concerned itself with the rights of the states, the governors of the states, the accused, and the demands of the particular states wherein the crime was committed. Paca wrote a letter to Carberry in which he advised him that, "It will save you a considerable Expense to go voluntarily and it will be a favorable Circumstance in your case:

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<sup>43</sup> Pennsylvania Delegates to President Dickinson, Ibid., p. 507.

<sup>44</sup> Hazard, Pennsylvania Archives, Vol. X., pp. 74, 291-292, 320, 324.

and it will give me much pleasure to be relieved from the necessity of forceable and violent measures.<sup>45</sup>

Carberry did not return to the state of Pennsylvania, rather he threw himself to the mercy of the General Court in Maryland confessing to the crime and was released. There is no record he received any penalty. Since he was later restored to military rank and duty, it is evident there was no court record for the crime of treason.<sup>46</sup>

On June 30, 1786, Benjamin Franklin, then President of the Executive Council of Pennsylvania, received a letter from the Pennsylvania delegates in which the Carberry case again was a matter of discussion. Lieutenant Sullivan had applied for back pay due him and the Congress denied his request. The reason given was that he deserted the service in June 1783. This opened the entire issue. The delegates informed Franklin that Pennsylvania had been furnished all the evidence in the case, yet, he was never tried in that state. Further, Sullivan had been in Philadelphia since 1785, had appeared publicly and nothing had been done to apprehend him. The delegates did not feel Congress wanted an explanation," nor would we be desirous of reviving discussions which have heretofore been permitted subside."<sup>47</sup>

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<sup>45</sup>J. Hall Pleasants, ed., Archives of Maryland. Journal and Correspondence of the State Council (8), 1781-1784. Vol. XLVIII., (Baltimore: 1931), pp. 537, 550-553.

<sup>46</sup>Madison, "Notes on Debates," Hutchinson and Rachal, Papers of Madison, Vol. VII., p. 180, n. 8.

<sup>47</sup>Pennsylvania Delegates to Benjamin Franklin, June 30, 1786, Burnett, Letters, Vol. VIII., p. 397.

And so ended the last mutiny and its aftermath. The army disbursed to various parts of the nation and the Congress had suffered some humiliation. The people present at the time of the mutiny cannot be overlooked. Some of the participants at Newburgh were again in the vicinity of the activities. Gouverneur Morris, Robert Morris as Superintendent of Finance, Alexander Hamilton in the Congress, General Lincoln, General St. Clair, and, most important, Major John Armstrong, Junior. One can only surmise about any undercover activities that might have taken place. Yet, these were men who understood the problems faced by the army and the lack of power in the central government.

When the mutiny ended, John Dickinson gave this account to the Congress:

In this unhappy affair we found ourselves distressed. We were urged by Congress to compel citizens against the soldiers, which citizens considered the soldiers as objects of compassion, rather than terror and resentment. They could not bear to avenge the dignity of Congress by shedding blood of men they considered as having fought and suffered in the American cause.<sup>48</sup>

Just as the Newburgh crisis left many unanswered questions, others arise because of the mutiny of June 1783. The three leading participants, Elias Boudinot, William Paca and John Dickinson became members of the Order of the Cincinnati in the same year. They are part of the story that follows.

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<sup>48</sup> Proceedings of the General Society of the Cincinnati, Review Publishing and Printing Company, (Philadelphia: 1887), Appendix, pp. 108-111.

## CHAPTER VII

### FORMATION OF THE SOCIETY OF THE CINCINNATI THE MOVE TOWARDS A NEW GOVERNMENT

Endorsed in the handwriting of Henry Knox, is a rough draft of the organization to be called "The Cincinnati." It is dated April 15, 1783, and follows the Newburgh crisis by one month. The paper was written at West Point, New York, and it reads as follows:

Whereas it has pleased the Supreme Governor of the Universe in the disposition of human affairs, to cause the separation of the Colonies of North America from the domination of Great Britain, and, after a bloody conflict of eight years, to establish them free, independent and Sovereign States connected by alliances founded upon reciprocal advantages with some of the Great Princes and Powers of the Earth--To perpetuate therefore as well the remembrance of this great event as the mutual friendships which have been formed under the pressure of common danger, and in numerous instances cemented by the blood of the parties--The officers of the American Army do hereby in the most solemn manner associate, constitute and combine themselves into one Society of Friends, to endure while they shall endure, or any of their oldest male posterity who may be judged worthy of becoming its supporters and members.

Knox's plan was written in considerable detail to include the society's badge and seal.<sup>1</sup> On May 13, 1783, the proposal for a society was formally adopted at Verplank House, near

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<sup>1</sup>Brooks, Henry Knox, Soldier of the Revolution, p. 175.



Fishkill, New York. It was to perpetuate the friendships formed by Officers of the Revolutionary War.<sup>2</sup>

There can be little doubt that the purpose of the organization was both social and political. It came into being during the period that saw two major events, the Newburgh crisis and the actual Mutiny against Congress, March and June respectively, 1783. This was the critical period in which officers felt they must band together in order to obtain justice from the Congress and their state legislatures.<sup>3</sup>

That this justice was eventually realized is documented in a circular letter sent to the state societies of the Order following the Triennial Meeting of the Cincinnati in 1790, held in Philadelphia. The constitution of the United States had been written and the letter indicated:

We rejoice that our countrymen are rapidly recovering from the calamities occasioned by the late war, and that they are at last favored with a government which shall probably secure to them all the benefits they had a right to expect from the Revolution. It gives us inexpressible pleasure to find that the unreasonable and illiberal clamor, which at one moment had been excited against our institution, has totally subsided.<sup>4</sup>

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<sup>2</sup>North Callahan, Henry Knox, George Washington's General, (New York: 1958), p. 120.

<sup>3</sup>Jensen, The New Nation, p. 262.

<sup>4</sup>William Sturgis Thomas, MD., The Society of the Cincinnati, 1783-1935, (New York: 1935), p. 85.

The clamor began when Judge Aedanus Burke of South Carolina produced his "Considerations on the Society or Order of the Cincinnati," 1783. Addressed to the people of that state it found its way into all areas of the United States. Burke saw the possible threat the hereditary provisions of the society posed to the American people. He further envisioned a possible political power developing within the organization. It was the type of pamphlet Americans had come to understand during the Revolution just ended. Burke felt that the society was self created and he feared "the political consequences it will involve." The hereditary provisions of the "Institution" provided that membership was to pass to the eldest male descendants of the founders. Honorary membership was allowed to be conferred on those "whose views may be directed to the same laudable objects with those of the Cincinnati." Officers were to contribute one month's pay into a charitable fund. The hereditary provision produced the greatest outcry against the order.<sup>5</sup>

The exact date of the publication of Burke's pamphlet is unknown; however, it is assumed it appeared shortly after the Order became generally known. The Gazette of the State of South Carolina, Charleston, published parts of the pamphlet

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<sup>5</sup>By Cassius, (Aedanus Burke), Considerations on the Society or Order of the Cincinnati; Lately Instituted by the Major-Generals, Brigadiers, and other Officers of the American Army, (Charleston, South Carolina, 1783), p. 5.

on October 1, October 8, and October 15, 1783. Thereafter it found its way throughout the country and was widely read.<sup>6</sup>

Burke wrongly assumed that the Baron de Steuben brought forth the idea of the society, and he attempted to direct suspicions of foreigners and foreign customs against him. Burke asserted: "I have the honor to tell Baron de Von Steuben, that though an order of peerage may be very well under the petty princes of Germany, yet in America, it is incompatible with freedom."<sup>7</sup>

Although vehement opposition originated in South Carolina, it was in New England where the center of bitter debates ensued. This area had furnished strong opposition to the commutation and half-pay for life provisions already authorized by Congress for the officers. The Order of the Cincinnati was viewed by New Englanders as an attempt by officers to obtain considerations for themselves relative to political and financial gains. The hills of Connecticut reverberated with stormy denunciations during the spring of 1784.<sup>8</sup>

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<sup>6</sup>Edgar Erskine Hume, Early Opposition to the Cincinnati, (American: 1936), Vol. XXX, 1936, p. 599.

<sup>7</sup>Ibid., p. 601.

<sup>8</sup>Wallace Evans Davis, "The Society of the Cincinnati in New England," William and Mary Quarterly, 3rd Series, Vol. I., (January 1, 1948), p. 4.

Officers as a class were distrusted. Since they had received commutation, predictions were made that it was another example of officer's "skill in the arts of intreague." By granting commutation Congress had usurped the sovereignty of the states. Burke's "Considerations on the Society" obtained firm backing in the New Haven Press, specifically the Connecticut Journal, February 4, 1784.<sup>9</sup>

The dislike of the commutation provision also caused the state of Rhode Island to protest against the Cincinnati. A notice published in the Providence Gazette and Country Journal, October 25, 1783, carried an article signed by a "Brother Officer." It summoned the commissioned officers and veterans of the Revolution to a meeting on December 17, 1783. The purpose was to form a state society "and transact some other interesting business which will be laid before the meeting." This clandestine notice coupled with Burke's warning aroused suspicions which caused some to feel the Order a threat. General Nathaniel Greene conceded that the hereditary provision and acceptance of influential honorary members, forced the general public "to wish an alteration of the Order, but more a dissolution."<sup>10</sup>

In April, 1784, rumors were spread that the State of Rhode Island was about to "disenfranchise any and every person

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<sup>9</sup>Ibid., p. 5.

<sup>10</sup>Ibid., p. 7.

who is a member of the Cincinnati, and render them incapable of holding any post of honour and trust in the government." The rumors were not substantiated, however they indicated the furor generated in that state.<sup>11</sup>

New Hampshire and Massachusetts were no exceptions to the furor. New Hampshire delegates to the convention of the Order, at Philadelphia, 1784, noted "the opinions of that state were generally in opposition to the Institution in its present establishment." In Massachusetts where the issue of commutation of pay received the most serious opposition, the General Court protested to the Congress that the society tended to elevate some citizens in wealth and grandeur at the expense of others. Burke's pamphlet was widely read throughout the commonwealth and came to be considered the single most important factor in rousing the clamor. In March, 1784, James Warren wrote to John Adams, then the minister to Holland. He asserted: "Nothing seems to be a more General Subject of Conversation than the Cincinnati Club," adding that he would have enclosed a copy of Burke's essay if the postage cost had not been so great.<sup>12</sup> Other letters expressed possible threats. The following month, April, 1784, Samuel Adams sent a letter to John Adams stating that the Order had become "very unpopular in Boston," and gave as his opinion "that military men might

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<sup>11</sup>Ibid., p. 8.

<sup>12</sup>Ibid., pp. 8-10.

try to enforce their resolutions, and not be content to simply adopt them." He viewed the Cincinnati as a "dangerous body, daily acquiring strength and a threat to the Constitution of Massachusetts."<sup>13</sup>

General Henry Knox reported the opposition to Washington, first President General of the Order. On February 21, 1784, he wrote to Washington from Boston:

The Cincinnati appears (however groundlessly) to be an object of jealousy. The idea is, that it has been erected by a foreign influence in order to change our form of government . . . The two branches of the legislature of the State have chosen a committee to inquire into any associations or combination which have been or may be formed to introduce undue distinctions in the community, and which have a tendency to create a race of hereditary nobility contrary to the Constitution of the Commonwealth.<sup>14</sup>

It was impossible for Washington to ignore the state of public feeling. Attached to the officers of his army by strong ties of affection and esteem, he was aware of the damage that could be done to their reputations and interests.<sup>15</sup>

While the public furor continued the first general meeting was held in Philadelphia on May 4, 1784. It was the opinion of the majority of the delegates from the thirteen states societies that vehement opposition existed. Washington advocated changes be made, particularly the one pertinent to the hereditary provision. A new document called "The Altered and Amended Institution" was adopted. Hereditary succession

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<sup>13</sup>Hume, Early Opposition to the Cincinnati, p. 608.

<sup>14</sup>Ibid., pp. 614-615.

<sup>15</sup>Ibid., p. 615.

to membership and the placing of the Order's funds in the keeping of the respective state Legislatures were the principal changes. The language of the document produced avoided the use of any wording that might arouse further opposition. It was necessary, however, for the state societies to ratify the proposed changes. During the intervening period opposition continued.<sup>16</sup>

On April 8, 1784, preceding the above meeting, Washington turned to Thomas Jefferson for advice and suggestions regarding the Society. He wrote.

If with frankness, and the fullest latitude of a friend, you will give me your opinion of the institution of the Society of Cincinnati, it would confer an acceptable favor upon me. If to this opinion, you would be so obliging as to add the sentiments, or what you suppose to be the sentiments of Congress respecting it, I would thank you... That you may have the best materials on which to form a judgement, I send you a copy of the proceedings of the Society--consequent of their choice of me for President pro: tem: . . . These papers you will please to retain for fear of accidents, till I shall have the pleasure to see you at Annapolis, the week after next, on my way to Philadelphia, where this and other business will take me, but the sooner I could receive your sentiments on this subject, the more pleasing they would be.<sup>17</sup>

Jefferson responded to Washington's letter on April 16, 1784. Writing from Annapolis he began his letter by noting he was concerned and that the Society had been a matter of anxiety to him. Jefferson stated; "I have wished to see you stand on

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<sup>16</sup>Ibid., pp. 616-618.

<sup>17</sup>Fitzpatrick, The Writings of Washington, Vol. XXVII., pp. 388-389.

ground separated from it; and that the character which will be handed to future ages at the head of our revolution may in no instance be compromised in subordinate altercations." He felt it was natural for the officers to form an organization that would bring them together at periodic intervals. It was natural to "seize with fondness any proposition which promised to bring them together again...and this I take for granted was the origin and object of the organization." The objections of those opposed to the Institution were briefly sketched:

They urge that it is against the Confederation; against the letter of some of their constitutions; against the spirit of them all, that the foundation, on which all these are built, is the natural equality of man, the denial of every pre-eminence by birth.<sup>18</sup>

Jefferson added that although many might decline accepting honorary memberships while strong opposition existed against the order, the time might arrive when, "a well directed distribution of them might draw into the order all the men of talents, of office and wealth." He called attention to the fact that experience has shown modern governments are the patrons of privilege and prerogative, and not of the natural rights of the people. Jefferson then gave some of the sentiments that were being expressed by members of the Congress. He felt if left to themselves they would probably say little or nothing on the subject. However, their sentiments if forced

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<sup>18</sup>Julian P. Boyd, ed., The Papers of Thomas Jefferson, 19 Vols. (Princeton, New Jersey: 1953), Vol. VII., pp. 105-108.



from them would probably be unfriendly to the Institution. Comments were made regarding personal conversations with congressional members. In this regard he asserted; "Since receipt of your letter I have taken occasion to extend these; not indeed to the military members, because being of the order delicacy forbade it...I have found but one that is not opposed to the institution." It is clear that Jefferson had the vision to foresee the possible power and strength the Order might possess. Jefferson closed his letter by stating that he considered the whole matter as "between us." He then suggested some changes in the Institution, principally the parting with the hereditary provision.<sup>19</sup>

There can be little doubt that the suggested changes put forth by Washington emanated from his correspondence with Jefferson. At the May 4, 1784, meeting, Washington introduced a confidential report which contained the information which had been submitted to him by Jefferson. Washington arose during the meeting and put forth a plea calling for abolishment of the Order's hereditary provision. He threatened to vacate his position in the Society if not accomodated.<sup>20</sup>

Ratification of the proposed changes failed. From the very beginning the New York, New Hampshire and Delaware societies opposed any changes. Connecticut, Virginia and North

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<sup>19</sup> Ibid., p. 107.

<sup>20</sup> Ibid., p. 109.

Carolina voted in favor of the new Institution as amended and never did rescind their actions. The other state societies accepted the amended Institution at first; however, later they favored retaining the original Institution of 1783. Since ratification required the approval of all state societies, acceptance of the changes failed. The Society, hereditary succession and all, remains in being to this day.<sup>21</sup> One exception was Virginia which ratified the changed Institution in 1784, but even after it failed of ratification, never returned to the principles of hereditary succession. Thus no hereditary members were admitted in Virginia during the lives of the founders. It would appear that Jefferson's popularity and influence in his home state carried the issue.<sup>22</sup>

Other leading Americans of the period also saw the possibility that the Order might become a force which could prove harmful to the nation. Digressing from one subject, Edmund Randolph who had served in the Congress during the years, 1779-1782, expressed his views regarding the Cincinnati in a letter to James Madison, September 13, 1783. He suggested that:

The Society of the Cincinnati have for their object what is truly laudable. But at some distant day may it not be abused from its praiseworthy views to something harmful? Is it not a mode of assembling on any one occasion those who belong to the army, from North to South, and to keep alive a distinction, between the citizen and the soldier? Much better would it have been for the several states to do justice to their

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<sup>21</sup>Hume, Early Opposition to the Cincinnati, pp. 621-622.

<sup>22</sup>Boyd, The Papers of Thomas Jefferson, Vol. VII., p. 110.

officers, and thus render an association for the support of their families unnecessary.

Randolph was referring to the provision in the Order which required each member to contribute one months pay into a charitable fund for the less fortunate members and their families. Had they received full settlement of their accounts before disbandment, the Order might not have been necessary.<sup>23</sup>

Samuel Osgood, a member of the Congress, added his sentiments regarding the Order in a letter to Stephen Higginson on February 2, 1784. He declared his fear of the Cincinnati and their possible demands on the government. Osgood suggested that although the threats were only implied, if Congress did not pay the military what was due them, the purpose of the Order would be "to connect throughout the continent a large and important body of men to watch over the doings of Congress." The Cincinnati had, he said, "their eyes on the public treasury and that once funds were established, they, the aristocracy, would overmatch the honest and independent."<sup>24</sup>

Other members of Congress also gave their opinions relative to the Order. The Massachusetts delegates wrote to Governor James Bowdoin on September 3, 1785. After first

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<sup>23</sup>Hutchinson and Rachal, eds., Papers of James Madison, Vol. VII., pp. 317-318.

<sup>24</sup>Samuel Osgood to Stephen Higginson, Burnett, Letters, Vol. VII., pp. 434-435.; Jensen, The New Nation, pp. 262-263.

discussing changes in the Articles of Confederation and the use of state conventions to alter the commercial powers of Congress, they turned to the Cincinnati. The Order could become "a force in changing the powers of Congress." The Cincinnati, honorable and beneficent as it may be, if not abolished, could become a force that would give the Congress greater powers over the states.<sup>25</sup>

Eldridge Gerry of Massachusetts wrote to Samuel Adams, on September 5, 1785. He suggested to Adams, that Congress had "been ever tender of the reputation of its military officers." As far as he could collect the sentiments of members of the Congress they were in expectation of a voluntary abolition of the Society. He feared if it was not abolished they "would establish their influence so as to control our republican form of government." In a later letter to Adams, September 30, 1785, Gerry expressed the opinion that "we should before adjournment endeavor to fix on the journals something that may operate to cripple if not fatally wound the monster."<sup>26</sup>

To John Adams on November 5, 1785, Gerry noted that "there are no parties in America but such as are produced by clashing interests, which there is a general interest to

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<sup>25</sup>Massachusetts Delegates to Governor James Bowdoin, Burnett, Letters, Vol. VIII., p. 208.

<sup>26</sup>Eldridge Gerry to Samuel Adams, Burnett, Letters, Vol. VIII., pp. 221-222.

reconcile." However in regards the Cincinnati he felt it might indeed be the exception. "Their Institution will soon be attacked in Congress and I hope abolished." The abolition of the Order did not materialize.<sup>27</sup>

The uproar relative to the hereditary provisions of the Order appears to have been overdone. The possibility of the establishment of a military caste system or military nobility, although not an impossibility, would have been remote. Section VI of the Articles of Confederation contained built in provisions preventing the giving or acceptance of titles of nobility. Further, the recent American experience of ridding itself of control by a monarchy, forces one to conclude that Americans of the period would have resisted power in the hands of a military elite. The strength of the Order of the Cincinnati existed in the military and civilian leaders who became members, original or honorary. Imposing indeed is the list of original members. They included George Washington, Henry Knox and the arch-nationalist, Alexander Hamilton. To these can be added General's Nathaniel Greene, Benjamin Lincoln, Charles Cotesworth Pinckney, Alexander McDougall, Horatio Gates, Israel Putnam, Phillip Schuyler, "Light Horse" Harry Lee, William Moultrie, Anthony Wayne, Arthur St. Clair, Thomas Mifflin and John Sullivan. There were about two-thousand original members of the Society.<sup>28</sup>

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<sup>27</sup>Eldridge Gerry to John Adams, Burnett, Letters, Vol. VIII., p. 251.

<sup>28</sup>North, Henry Knox, George Washington's General, p. 216.

To the powerful group of military men could be added an extremely influential list of prominent figures who were accepted into the organization as honorary members. Together with its original military members the Cincinnati contained a powerful group of honorary elite. At the time of the writing of the Constitution of the United States, 1787, an impressive list of members sat in the convention. They were:

New Hampshire:	Nicholas Gilman
Massachusetts:	Rufus King
New York:	Alexander Hamilton
	John Lansing
	Robert Yates
New Jersey:	David Brearly
	Jonathan Dayton
	William Livingston
Pennsylvania:	Benjamin Franklin
	William Jackson
	Thomas Mifflin
	Gouverneur Morris
	Robert Morris
	James Wilson
Delaware:	John Dickinson
Maryland:	Daniel Jenifer
	James McHenry
Virginia:	James Blair
	James McClurg
	Nathaniel Pendleton
	Edmund Randolph
	George Washington
North Carolina:	Alexander Martin
South Carolina:	Pierce Butler
	Charles Cotesworth Pinckney
Goergia:	Abraham Baldwin
	William Pierce

Twenty-seven of the sixty-five Framers of the Constitution of the United States were members of the Society of the Cincinnati. When that Document was signed there were

thirty-nine who subscribed; twenty-three were members of the Order.<sup>29</sup>

Before this group assembled for the writing of the Constitution of the United States, most were present in the city of Philadelphia for a meeting of the Order. Washington had announced to the Cincinnati that he could not attend the triennial meeting to be held in May, 1787. He felt he could not accept the request that he serve as one of Virginia's delegates to the Constitutional Convention. Therefore, he perceived that he could not appear at the same time and place on any other occasion without offending one or the other, the Society or his state.<sup>30</sup>

The situation was critical. Washington and Washington alone had the national stature and could inspire the confidence necessary to lead the delegates in the writing of a new Constitution. In the opinion of "Lighthouse" Harry Lee of the Virginia Cincinnati, Washington was needed, his country and his fellow members of the Cincinnati were calling him to Philadelphia at a critical juncture in the affairs of state. Governor Randolph of Virginia, likewise a member of the Order, wrote Washington saying: "I feel like an intruder when

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<sup>29</sup> Lieutenant-Colonel Edgar Erskine Hume, United States Army, "The Role of the Cincinnati in the Birth of the Constitution of the United States," Pennsylvania History, Vol. V., No. 2, (April, 1938), pp. 105-106.

<sup>30</sup> Ibid., p. 103.

I again hint that you would join the delegation. Every day brings forth some new crisis and the Confederation is, I fear, the last anchor of our hope." General Knox also wrote Washington and urged him to be present at the Cincinnati general meeting.<sup>31</sup>

Washington responded to Governor Randolph on March 28, 1787, that he feared it might be considered inconsistent again, to enter the public arena after having announced his retirement. He added these words: "However, as my friends, with a degree of solicitude which is unusual, seem to wish for my attendance on this occasion, I have come to a resolution to go." He mentioned that he wished to reach Philadelphia not later than the first of May, in order that he might "be there in time to account personally for my conduct to the general meeting of the Cincinnati, which is to convene the first Monday of that month."<sup>32</sup>

Washington also wrote General Knox an interesting letter on April 2, 1787. In it he said:

If I attend the convention I will be in Philadelphia previous to the meeting of the Cincinnati, where I shall hope and expect to meet you and some others of my particular friends the day before, in order that I may have a free and unreserved conference with you on the subject of it; for I assure you, this is in my estimation a business of a delicate nature. That the design of the Institution was pure, I have not a Particle of doubt...but is not the subsiding of the

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<sup>31</sup> Ibid., p. 105.

<sup>32</sup> Ibid., pp. 104-105.



jealousies respecting it to be ascribed to the modifications, which took place at the last general meeting? In other words, the abolition of the hereditary succession.

It appears that Washington was still concerned over the fact that the Society was not totally acceptable to Americans. Extremely interesting is the knowledge that Washington was able to meet with the members of the Cincinnati just prior to the Constitutional Convention. Since the meeting of the Order took place just prior to that Convention, many of the delegates were present in Philadelphia for both meetings. They were an important group of Americans and played major roles in the writing of the Constitution.<sup>33</sup>

What Knox had created was a well informed, influential and durable pressure group, interested both emotionally and financially in bringing forth a Union under a strong Central government. It was in fact, virtually the only organization of national scope, other than the Confederation Congress itself. This must be considered a highly important fact at this point in the nation's affairs.<sup>34</sup>

After his arrival in Philadelphia, Washington accepted an invitation from the Morrises to be their house guest.<sup>35</sup> They extended to him the full use of their hospitable home.

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<sup>33</sup>Ibid., pp. 104-105.

<sup>34</sup>McDonald, Formation of The American Republic, pp. 33-34.

<sup>35</sup>John Dos Passos, The Men Who Made the Nation, (New York: 1957), pp. 123-124.

His first call was on the President of the Supreme Executive Council, Benjamin Franklin, later an honorary member of the Cincinnati. Honorary membership was granted to those "men in the respective states, eminent for their abilities and patriotism, whose views may be directed to the same laudable objects as those of the Cincinnati."<sup>36</sup> Before May 14, 1787, the day set for the opening of the Constitutional Convention, Washington was on the scene in Philadelphia able to meet with his comrades in arms of the Cincinnati. On the third afternoon after he reached the city, he wined and dined with members of the Order.<sup>37</sup>

The list of members of the Cincinnati, previously cited, who were members of the Constitutional Convention, held Nationalist or Federalist points of view. It was a ready-made political group that wanted a strong central government. They knew each other, and many did business with one another. Some had served in the Congress together, fought side by side in the War, and had joined the Cincinnati as original members or accepted honorary memberships in the Order. They were the leaders at the Convention and were personally acquainted with most of the Nationalists in the thirteen states. Most would also be leaders in the fight for ratification of the

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<sup>36</sup>Edgar Erskine Hume, George Washington's Correspondence Concerning the Society of the Cincinnati (Baltimore: 1941), p. 26.

<sup>37</sup>Dos Passos, Men Who Made the Nation, pp. 124-125.

Constitution that was drafted and submitted to the states. Their power and influence cannot be underestimated.<sup>38</sup>

By the second week of the Convention twenty-seven of the selected delegates, representing a total of seven states, were present at Philadelphia. They represented a cross section of the country. Including Washington, there were sixteen members, or members to be of the Cincinnati, present and voting on the date the Constitutional Convention placed him in charge. They were, Thomas Mifflin, Robert Morris, Gouverneur Morris, William Blair, James McClurg, Alexander Hamilton, Robert Yates, John Lansing, Rufus King, Charles Cotesworth Pinckney, Pierce Butler, Alexander Martin, Benjamin Franklin and David Brearly. This is not to suggest that Washington accepted the chair in the name of the Order. It does point out some of the important members of the Order who were present at the opening of the Constitutional Convention, 1787.<sup>39</sup>

Delegates from the states of Pennsylvania, South Carolina and Virginia had come to the Convention prepared to scrap the Articles of Confederation for a "highed toned" national government. When the Convention had ended a government with the power to form the strong Union desired had emerged.<sup>40</sup>

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<sup>38</sup>McDonald, Formation of the American Republic, p. 207.

<sup>39</sup>Ibid., pp. 156-163.

<sup>40</sup>Ibid., p. 164.

Members of the Cincinnati held large amounts of public securities. Similar to the soldiers of the Revolution, they had been paid for their services in land warrants and depreciated paper money. Being men of means most were able to retain their securities. Unlike the common soldier they did not have to sacrifice their holdings at low prices. The members of the Society appear in large numbers on the loan office records of the several states preserved in the Treasury Department. Further, some of the state societies derived funds from this source. Their political influence in the convention can certainly be recognized. They were important, influential men, above all, organized into a body able to act in concert throughout all the states. They favored a new Constitution and were its warmest advocates.<sup>41</sup>

One example of the manner in which the Society acted together as an organized body is documented in a Circular Letter to the state societies, November 1, 1786, prior to the Constitutional Convention. The letter pertained to suggested changes in the Order and was sent by the state society of New York. Over the signatures of Alexander Hamilton, James Duane, and William Duer, the letter emphatically denounced any attempt to remove from the principles of the Society, the following: "To promote and cherish between the respective

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<sup>41</sup> Charles A. Beard, An Economic Interpretation of the Constitution of the United States, (New York: 1941), p. 38. n. 4., p. 39.

States that Union and national honor so essentially necessary to their happiness and the future dignity of the American Empire." The signers declared that they did not favor seeing this clause expunged from the principles of the Order. They did not believe that Americans could condemn an organization committed to the Union, peace and prosperity of the United States.<sup>42</sup> The Order had the means to communicate their ideas, one to another, a highly pertinent fact. Washington himself advocated the abolishment of communications between the various state societies which were publicized in the press. And he did not favor the concept of honorary membership.<sup>43</sup> Other than the constituted government, communication by state societies was indicative of the ability of the organization to operate on a national basis.

One cannot underestimate some of the men at the Convention. From the writing of the Declaration of Independence to the Constitutional Convention, some of the leading nationalist leaders were: Robert Morris, John Jay, Gouverneur Morris, James Wilson, Alexander Hamilton, Henry Knox, James Duane, George Washington, James Madison, and many other men of lesser importance, yet influential in their own states. They were believers in executive and judicial control of the states in varying degrees by a central government, committed to taxation

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<sup>42</sup>Syrette and Cooke, eds., The Papers of Alexander Hamilton, Vol. III., pp. 693-696.

<sup>43</sup>North, Henry Knox, George Washington's General, p. 224.

at the national level vigorously collected, and the payment of the private and public debt. Some were creditors who would benefit from the type government they helped form. In this entire group, only James Madison and John Jay are absent from the rolls of the Order, up to the year, 1789.<sup>44</sup>

Members of the Society that sat in the Convention had a wealth of political experience. Some who had served in the Continental Congress included; William Livingston of New Jersey, Thomas Mifflin and James Wilson of Pennsylvania, John Dickinson of Delaware, Abraham Baldwin and William Pierce of Georgia, John Lansing and Alexander Hamilton of New York, Pierce Butler and Charles Cotesworth Pinckney of South Carolina, Rufus King of Massachusetts, James McHenry, Daniel of St. Thomas, Jennifer of Maryland, and Nicholas Gilman of New Hampshire. This was an impressive group well versed in the political process.<sup>45</sup>

During debates in the Convention relative to the military, strong supporters for an adequate force were, Charles C. Pinckney, Pierce Butler, Jonathan Dayton and Robert Morris. Pinckney argued that he had little faith in the militia. There was a real need for a permanent force. He said, "The United States had been making an experiment without it, and we can see the consequences in their rapid approaches toward anarchy." The reference, no doubt, had Shays's Rebellion in

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<sup>44</sup>Jensen, The New Nation, p. 425.

<sup>45</sup>Max Farrand, The Framing of the Constitution of the United States, (New Haven: 1964), pp. 16-38.

mind. Dayton felt that preparations for war should be made during times of peace, "a standing force of some sort may, for ought we know, become unavoidable." Butler favored the control of state militias by a general authority which had care "for the general defense of the country." As the Constitution finally provided, this became the president as Commander-in-Chief. Morris countered Madison's opposition to a standing army by asserting "the motion as setting a dishonorable mark of distinction on the military class of citizens." Pinckney strongly supported the stand taken by Morris.<sup>46</sup>

Intangible as it may be, impossible as it is to estimate the extent and power of the Cincinnati, the mere existence of the personal element should be recognized and kept in mind. Their meeting in Philadelphia at the same time as the Constitutional Convention, the number of members involved in the writing of the Constitution, certainly indicates the importance of the Society in the early history of the nation.<sup>47</sup>

In addition to experience in the military and political areas, members of the Order brought a wealth of experience in the legal profession to the Convention. King, Hamilton, Dayton, Wilson, Gouverneur Morris and Charles C. Pinckney, derived a greater part of their incomes from the practice of

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<sup>46</sup> Gaillard Hunt and James Brown Scott, eds., The Debates in the Federal Convention of 1787 which Framed the Constitution of the United States of America, (Westport, Conn: 1970), pp. 425-429.

<sup>47</sup> Farrand, The Framing of the Constitution, p. 66.

law. Martin, Lansing, Dickinson and Randolph were considered "country lawyers," devoting their attention to farmers and others having realty interests. Yates, Brearly, Livingston, Blair and Baldwin, received their incomes from public office.<sup>48</sup> Wilson of Pennsylvania acted as attorney for Robert Morris and maintained close relations with the financial giant of the Revolution. Considered a constitutional theorist, Wilson at times appeared to be a lackey to Morris.<sup>49</sup> To the political experience possessed by members of the Society, one can add their legal qualifications, essential in the debates and writing of the Constitution.

In the state contests for ratification of the Constitution, three separate groups emerged. In favor were Delaware, New Jersey, Georgia, Connecticut and Maryland. States divided on the issue were Pennsylvania, Massachusetts, South Carolina and New Hampshire.<sup>50</sup> Those in opposition were Virginia, New York, North Carolina and Rhode Island.<sup>51</sup> Members of the Order played significant roles in the states that were divided or opposed.

One can eliminate the states where little or no opposition existed. In the divided or opposed categories,

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<sup>48</sup>Forrest McDonald, We the People. The Economic Origins of the Constitution, (Chicago: 1958), pp. 86-87.

<sup>49</sup>Ibid., p. 57.

<sup>50</sup>Ibid., pp. 115-116, 163, 235-237.

<sup>51</sup>Ibid., p. 255.



Hamilton played a prominent role in New York supporting the Constitution. Wilson was a major force in the state of Pennsylvania. Charles C. Pinckney earned the reputation as a great friend of the document in South Carolina, and Rufus King used his influence in Massachusetts. In North Carolina Alexander Martin was denied a seat as a delegate, while in Virginia the influence of Randolph and the popularity of Washington must be considered as forces to the opposition generated by Patrick Henry. Members of the Order were involved in the ratification process, however, they were only a small part of the drama enacted in each of the states involved. The size and nature of the delegations precludes any final judgement as to the importance of members of the Order in the ratification process.<sup>52</sup>

When the new government was formed in 1789, Washington appointed three of the Cincinnati to the offices of Treasury, War and Attorney General. Respectively they were, Hamilton, Knox and Edmund Randolph. Jefferson, who opposed the Order, became Secretary of State. Including Washington, four members of the Cincinnati comprised the first government under the Constitution. Only Jefferson was not a member of the Order. This is not to suggest that Washington selected this group because of their affiliations with the Cincinnati. However, it gives strong support to the concept, that men capable

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<sup>52</sup>Clinton Rossiter, 1787, The Grand Convention, (New York: 1968), pp. 239, 246-247, 250-258.

of holding high office in the government were members of the Order.<sup>53</sup>

Born between the Newburgh crisis of March, 1783, and the mutiny against the Congress, June, 1783, this first American military order contained a membership which left its mark at the Constitutional Convention and in the first government. The members who had fought the war, participated in the government and politics of the time, shared a common goal, and to a great extent, a common general attitude toward government.<sup>54</sup> One must conclude that the Society of the Cincinnati, through its members, military and civilian, played a prominent role in the formation of the American government that finally evolved.

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<sup>53</sup> John C. Miller, The Federalist Era, 1789-1801, (New York: 1963), pp. 31-32.

<sup>54</sup> McDonald, Formation of the American Republic, pp. 207-208.

## CHAPTER VIII

### CONCLUSIONS

#### THE MILITARY AND THE CONSTITUTION

During the period covered in this thesis, a group of colonies moved from opposition to a military force England attempted to impose upon them, into nationhood. With the writing of the Constitution of the United States, America embarked on its "great experiment." If one views the chapters that preceded as isolated events, there can be no specific significance whatsoever in "The American Military and the Congress, 1775-1789." Yet, if one will accept the proposition that the military not only fought a war, but was also a major force to be considered by the continental Congress and government under the Articles of Confederation, then the events reported become a series of steps that helped formulate the government that finally emerged. It is this writer's contention that military considerations carry as much weight as the economic, social, political or intellectual attitudes of the period under study. To a great extent military considerations have been relegated to the background, ignored, or treated lightly, as they pertain to the Constitution.

One historian has recorded the full meaning and impact of the military on the Constitution, and his words bear

repeating. Walter Millis concluded as follows:

The Constitution of 1787 was a military no less than a political charter for the infant republic. Building on the experience of the Revolutionary War and, very largely, on the Articles of Confederation under which that struggle was fought, the Philadelphia convention established the principles by which succeeding generations would seek to solve the basic problems of war and defense. The Constitution's clauses embody the guidelines of American military thought--civilian supremacy; a commander-in-chief with full executive responsibility, but checked by Congressional control over organization and appropriations; a small, national, professional army backed by state militia; and a people guaranteed in its right to bear arms. These principles governed, almost unchanged, for well over a century, and they are still controlling in popular and national attitudes, even though events of the past fifty years have profoundly altered their application in practice.<sup>1</sup>

There is little need to outline all of the military considerations the Constitution contains. It did establish the basis and conditions for an American army. This thesis has attempted to place in proper perspective some of the events that brought about the inclusion of military concepts. The mutiny of the Pennsylvania Line January, 1781, helped to bring about ratification of the Articles in March of the same year. The Newburgh crisis, the mutiny against the Congress, and the founding of the Society of the Cincinnati, were other events that surfaced during the period the government functioned under the Articles of Confederation. All of the above had a bearing on the military concepts that found their way into the Constitution.

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<sup>1</sup>Walter Millis, ed. American Military Thought, (New York: 1966), p. 28.

The men who wrote the Articles of Confederation created a federal government. However, the states retained their sovereign power and the government formed did not have the power to enforce the necessary laws. It was, in fact, a creature of the states. They had done this in spite of the fact that certain members of the colonial ruling classes, those who chose independence, wanted a centralized government with independent power and authority to govern. For this reason the men who wanted independence did not surrender the ideals for a "national" government; their desire for one intensified. They were no more ready to accept the Articles than they were to accept the democratic constitutions adopted by the states.<sup>2</sup>

Many who advocated strong centralized authority lost power during the Revolution. Others remained in legislative positions unable to change the Articles but seeking ways to bring about a more effective government. The problems of finance, which government could not resolve, were of prime importance in the dissensions, grievances, and mutinies against constituted authority. As the problems of finance compounded and the value of money depreciated, the demand for centralized power grew. As early as 1780, a proposal was made in Congress to form a committee, to be sent to the army to share with Washington "a kind of dictatorial power, in order

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<sup>2</sup>Jensen, The New Nation, p. 43.

to afford satisfaction to the army, and to arrange the great departments thereof."<sup>3</sup> The committee visited Washington at Morristown, New Jersey, however, strong opposition to dictatorial powers forced the committee to leave the camp.<sup>4</sup>

It was the critical issue of finance that precipitated the Newburgh affair. When Congress failed to obtain ratification of an amendment giving it power to levy a five per cent impost, the army made its demands. With no taxing power, devoid of money and credit, pressed on two sides by public creditors and the military, the situation reached crisis proportions. The army threatened to obtain "justice" by force of arms if necessary. The merging of the army and public owners of the debt became a fact. The push was toward what eventually materialized, the writing of a new Constitution.<sup>5</sup>

The military discontent and the avarice of public creditors originated in the fall of 1782, and culminated when Congress fell into some disgrace, in June, 1783. The mutiny against the Congress showed its ineffectiveness and also discredited the cause of nationalism. There can be little doubt that the Newburgh crisis, formation of the Cincinnati and the last mutiny, were significant factors in alerting the

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<sup>3</sup>Ibid., pp. 43-46.

<sup>4</sup>Ibid., p. 47.

<sup>5</sup>Forrest and Ellen McDonald, Confederation and Constitution, pp. 2-3.

public to the dangers inherent when civilian-military forces combined as a pressure group.<sup>6</sup>

Richard Morris notes that although the record is murky, the nationalist group arose about Robert Morris and his financial plans. Their objective required amending the Articles to provide strong taxing powers. The inert Congress lost the initiative to the discontented officers and the nationalists. The hand of Robert Morris and his group was seen in the inner circles of the army conservatives who included Richard Peters, the head of the Board of War, the ex-Son of Liberty General Alexander McDougall, and arch-nationalist Alexander Hamilton. Although their aims were shadowy, some sort of a coup d'etat within the Articles, appears evident. Morris suggests that Washington refused to apply the military pressure at his disposal and the threat of the coup vanished. Creditors now looked to the states for settlement of their claims. If a conspiracy ever existed it dissolved when Washington refused to use the military.<sup>7</sup>

One needs to inquire, was the military used? This thesis has attempted to draw together several of the events that followed in rapid succession following the end of the Revolutionary War. With the British surrender at Yorktown, October, 1781, the military deputation to the Congress, the

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<sup>6</sup>Ibid., p. 3.

<sup>7</sup>Richard B. Morris, The American Revolution Reconsidered, (New York: 1967), pp. 150-152.

Newburgh conspiracy, and the mutiny against Congress occurred within the span of approximately eight months. To these can be added the formation of the Order of the Cincinnati which was a predominately military organization. To the Order were added civilian honorary members, most of whom were friends of the major military participants or supporters of the concept of a strong central government. The military did play a major role in each of the affairs. If the events produced nothing else, they did focus attention on a weak government unable to meet its obligations and an army that might revolt against established authority. Further, powerful civilian influences were able to merge with the military in a possible attempt to force the Congress to meet its demands.

Alfred Vagts considers one of the central features in the Constitution to be the establishment of civilian control of the government over the military. Its provisions make the Congress alone responsible for raising and supporting armies. It provides for their government, control of the militia, appropriations of monies for military purposes for no longer than two years at a time, and the power to declare war. The President, a civilian, is commander-in-chief of the army and the navy, an official Vagts adequately terms--the supreme war Lord. To these were later added the right of the people to bear arms and the quartering of troops during wars under laws prescribed by Congress. The climax to the domestic struggle that followed the Revolution was the



Constitution of the United States which produced the outlines of American military policy.<sup>8</sup> This writer contends that the events discussed in this thesis were significant factors in what finally found its way into the Constitution.

It is difficult to deny that the taxing power incorporated in the Constitution, Article I, Section 8:

To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States, but all duties, imposts and excises shall be uniform throughout the United States,

or, the provisions of Article VI:

All debts contracted and engagements entered into, before the Adoption of this Constitution, shall be valid against the United States under this Constitution, as under the Confederation,

did not stem from the conditions that caused discontent and mutinies. From its very beginning the military suffered extremities due to lack of finances necessary to support its operations. The inability of the states and Congress to supply and provide for the military was the seed that produced the major military grievances, which brought forth the mutinies of the Pennsylvania Line, the New Jersey Line, and the revolt against the Congress. The main issue precipitating the Newburgh crisis centered on the problems of finance. Not having received full pay in years, and eager for a settlement of their accounts by the government, the military looked to the Congress for the satisfaction of their claims. In this they received

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<sup>8</sup>Vagts, A History of Militarism, pp. 106-107.

the support of public creditors who likewise wanted their obligations satisfied. The Constitution provided a means by which a stable financial basis could be established. Such a provision was lacking in the Articles.<sup>9</sup>

It is necessary to reflect on the army that finally emerged with ratification of the Constitution. On June 8, 1783, just prior to the mutiny against Congress, Washington sent his famed "Last Circular Letter" to the states. He indicated that retirement was near and that he wished to express his convictions on what he felt was required for the existence of the United States as an independent power:

First. An indissoluble union of the States under one federal head.

Secondly. A sacred regard to public justice.

Thirdly. The adoption of a proper peace establishment; and,

Fourthly. The prevalence of that pacific and friendly disposition among the people of the United States...to make those mutual concessions, which are requisite to the general prosperity; and, in some instances, to sacrifice their individual advantages to the interest of the community.

Washington suggested the settlement of all public debts and devoted a major portion of this letter to the army's claims. It was necessary they be satisfied, and the states were requested to support the Congress in awarding just compensation for their services to the nation. Relative to the proper peace establishment Washington recommended that:

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<sup>9</sup>Clinton Rossiter, The Grand Convention, (New York: 1968), pp. 333-338.

It is necessary to say but a few words on the third topic which was proposed, and which regards particularly the defense of the republic; as there can be little doubt but Congress will recommend a proper peace establishment for the United States, in which due attention will be paid to the importance of placing the militia of the Union upon a regular and respectable footing. If this should be the case, I would beg leave to urge the great advantage of it in the strongest terms. The militia of this country must be considered the palladium of our security, and the first effectual resort in case of hostility...the same system must pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform, and that the same species of arms, accoutrements, and military apparatus, should be introduced in every part of the United States. No one, who has not learned it from experience, can conceive the difficulty, expense, and confusion, which result from a contrary system, or the vague arrangements which have hitherto prevailed.

Washington's experience throughout the war, commanding the diversified troops he received from the states, caused him to recommend a force uniform in every respect.<sup>10</sup>

Although Washington did not recommend a standing army, the clauses "to raise and support armies" and "to provide and maintain a navy" were inserted into the Constitution. Congress had the power to provide such regular troops as were necessary. The two year clause regarding appropriations was the lever that could destroy a regular establishment if the "liberties of the people were threatened."<sup>11</sup>

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<sup>10</sup>Fitzpatrick, Writings of Washington, Vol. XXVI., pp. 482-487.

<sup>11</sup>Millis, Arms and Men, pp. 42-43.

In the fight for ratification of the Constitution, strong stands were taken against the concept of standing armies and the control by Congress over the militia. In Pennsylvania, to cite an example, the Anti-Federalist forces noted:

A standing army in the hands of a government placed so independent of the people, may be made a fatal instrument to overturn the public liberties; it may be employed to enforce collection of the most oppressive taxes, and to carry into execution the most arbitrary measures. An ambitious man may have the army at his devotion, may step up into a throne, and seize upon absolute power.

The absolute unqualified command that Congress have over the militia may be made instrumental to the destruction of all liberty, both public and private, whether of a personal, civil or religious nature.

The Anti-Federalist forces elaborated on the threats they saw; the opposition to the military clauses dominated.<sup>12</sup>

On the opposite side, supporters of the military powers granted to Congress, found their strength in the Federalist Papers, numbers 15, 24, 26, 34, and 41. In the Federalist, number 24, Hamilton defended standing armies:

I have met but one specific objection...that proper provision has not been made against the existence of standing armies in time of peace; an objection which, I shall now endeavor to show rests on weak and unsubstantial foundations.

He discussed the issues forcibly and concluded:

That the whole power of raising armies was lodged in the Legislative, not the Executive; that this legislature was to be a popular body consisting of

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<sup>12</sup>Forrest and Ellen McDonald, eds. Confederation and Constitution, pp. 218-219.

the representatives of the people periodically elected; and that instead of the provision he had supposed in favor of standing armies, there was to be found...an important qualification even of the legislative discretion in that clause which forbids the appropriation of money for the support of an army for any longer than two years--a precaution which, upon a nearer view of it, will appear to be a great and real security against keeping up troops without evident necessity...

Hamilton saw no need for imposing restrictions upon the discretion of the legislature in respect to establishment of a military in time of peace. These he concluded, would be improper.<sup>13</sup>

In the Federalist, number 26, Hamilton turned his attention to restraining the legislature if it went beyond the bounds of reason or exceeded the proper limits. He suggested the use of the militia by the states in this event:

And if the majority should be really disposed to exceed the proper limits, the community will be warned of the danger and will have an opportunity of taking measures to guard against it... The State legislatures, who will always be vigilant but suspicious and jealous guardians of the rights of the citizens against the encroachments from the federal government...will be ready enough, if anything improper appears, to sound the alarm to the people, and not only to be the voice, but, if necessary, the ARM of their discontent...<sup>14</sup>

If the liberties of the people were threatened, Hamilton envisaged that state troops would be the principal

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<sup>13</sup>Roy P. Fairchild, The Federalist Papers, (Garden City, New York: 1966), pp. 63-64.

<sup>14</sup>Ibid., pp. 73-74.

reliance in such an emergency and would then be able to control national policy. As Hamilton viewed it, if the national government formed an army of any magnitude, that army could not threaten the liberties of the people while there was a large body of citizens ready to defend their own rights. He intimated the curious proposition, that state militias might function, not in assisting the national government in defense, but in defending the people from the defenders.<sup>15</sup>

Curious is the fact that there was little opposition against the clause "to provide and maintain a navy." American opposition to standing armies "amongst us" did not surface in objections to a navy. A navy by its very nature was not a military force that could intervene in domestic affairs or politics. Its use to suppress liberty ashore was considered remote. Madison had noted in the Federalist papers that "maritime strength" would be our principal "source of security against danger from abroad." He noted that the naval clause evoked no such opposition as did any other part of the Constitution. It was accepted with very little argument.<sup>16</sup>

In the great debates over ratification of the Constitution, John Jay, James Madison, and Alexander Hamilton repeatedly discussed the war powers, issues related to defense of the nation, organization of the military, and

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<sup>15</sup> Millis, Arms and Men, p. 43.

<sup>16</sup> Ibid., pp. 43-44.

military policy.<sup>17</sup> Their arguments were related to the American military experience up to that time. Begun when the Continental Congress adopted the army engaged at Boston, July, 1775, the army was reduced to a minimal force on June 2, 1784. Congress issued the orders for the discharge of all remaining troops except for a garrison of "twenty-five privates to guard Fort Pitt" and "fifty-five to protect the stores at West Point." Officers, none above the rank of captain, in a proportionate amount, were also retained. Congress observed that "standing armies in time of peace are inconsistent with the principles of republican government." In this manner the first national military system in America ended. National leaders knew that the dissolution of the military was a temporary expedient and that a new national force would eventually be created as provided for in the new Constitution.<sup>18</sup>

There remains the important matter of the Society of the Cincinnati. Since it was organized as a brotherhood of officers who had served in the Revolution, it must be included as a part of the military. The furor it generated in regards to the establishment of an hereditary elite, and the possible rise of a nobility in America, should be considered an example of how well Americans were able to respond to what they saw as a threat to the freedom won. They had rid themselves from

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<sup>17</sup> Millis, ed. American Military Thought, p. 32.

<sup>18</sup> Millis, Arms and Men, p. 40.

control of a monarchy and would have no more of it. However, it is doubtful the Cincinnati posed a real threat in regards a military nobility. The Articles of Confederation contained a provision against such a class. Article VI contained the following:

No state without the Consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, or alliance or treaty with any King, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title, of any kind whatsoever from any king, prince or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.<sup>19</sup>

In the Constitution of the United States one finds basically the same restrictions, modified to suit the needs of the new government. Article I, Section 9, states:

No Title of Nobility shall be granted by the United States: And no person holding any office of Profit or Trust under them, shall, without the consent of the Congress, accept of any present, Emolument, Office or Title, of any kind whatsoever, from any King, Prince, or foreign State.<sup>20</sup>

The two clauses provided some protection from the establishment of a nobility in America.<sup>21</sup>

Documented in this thesis was the astonishing fact that twenty-seven of the sixty-five framers, and twenty-three of

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<sup>19</sup>Commager, Documents of American History, p. 112.

<sup>20</sup>Ibid., p. 142.

<sup>21</sup>Rossiter, The Grand Convention, pp. 322-334.



the thirty-nine signers of the Constitution were members of the Cincinnati. If William Jackson who attested to the signatures is added to the list, the Order represented over fifty per cent of the signers.<sup>22</sup> They were men who had served in the war and in the Congress. They understood the problems the army faced throughout the Revolution, and the necessity for a strong central government. Perhaps one can conclude that the Order's real strength was in the calibre of men who attained membership and participated in the Constitutional Convention.

The fears aroused by the Society never did materialize. Yet it does not follow that the apprehensions about it were entirely imaginary. One can only surmise what might have happened had there been no outcry against the Order.<sup>23</sup>

The Founders of the New Nation attempted to balance military powers just as they did the political. In the military, as in the political, they wisely left the outcome of power struggles to generations that would follow. They could do so in 1787 because any threat from foreign powers was remote.<sup>24</sup> Although strong opposition to the military clauses, notably in Pennsylvania, existed during the struggle

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<sup>22</sup>Hume, The Role of the Cincinnati in the Birth of the Constitution, p. 15.

<sup>23</sup>Davis, The Society of the Cincinnati in New England, 1783-1800, p. 25.

<sup>24</sup>Millis, Arms and Men, p. 43.

for ratification, the Constitution was accepted. The army of the Revolution had accomplished prodigious feats in the period from Lexington to Yorktown. Discontent and grievances were prevalent. However, republican ideals persisted and became a reality at the end of the period under consideration.<sup>25</sup>

From 1775 to 1780, the American experience moved from fears of the British army in their midst, into formation of a new and strong central government. This writer concludes that "The Military and the Congress" has projected into view considerations that had a distinct bearing on the government which resulted. One can only hope that this thesis adds to historical knowledge and information. As one noted historian has suggested, "the legitimate framework of military history encompasses far more than the bayonet charge and the well-aimed volley."<sup>26</sup> It is hoped this thesis adds to that concept.

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<sup>25</sup>Dale O. Smith, United States Military Doctrine, A Study and Appraisal, 9 (New York: 1955), p. 15.

<sup>26</sup>Don Higginbotham, "American Historians and the Military History of the American Revolution," American Historical Review, Vol. LXX., (1964), No. 1, p. 32.

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