

*New Jersey's
Revolutionary Experience*

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Elias Boudinot

DONALD W. WHISENHUNT

New Jersey Historical Commission

NEW JERSEY'S REVOLUTIONARY EXPERIENCE

Larry R. Gerlach, *Editor*

This series of publications is dedicated to the memory of Alfred E. Driscoll, governor of New Jersey from 1947 to 1954, in grateful tribute to his lifelong support of the study and teaching of the history of New Jersey and the United States. He was a member of the New Jersey Historical Commission from 1970 until his death on March 9, 1975.

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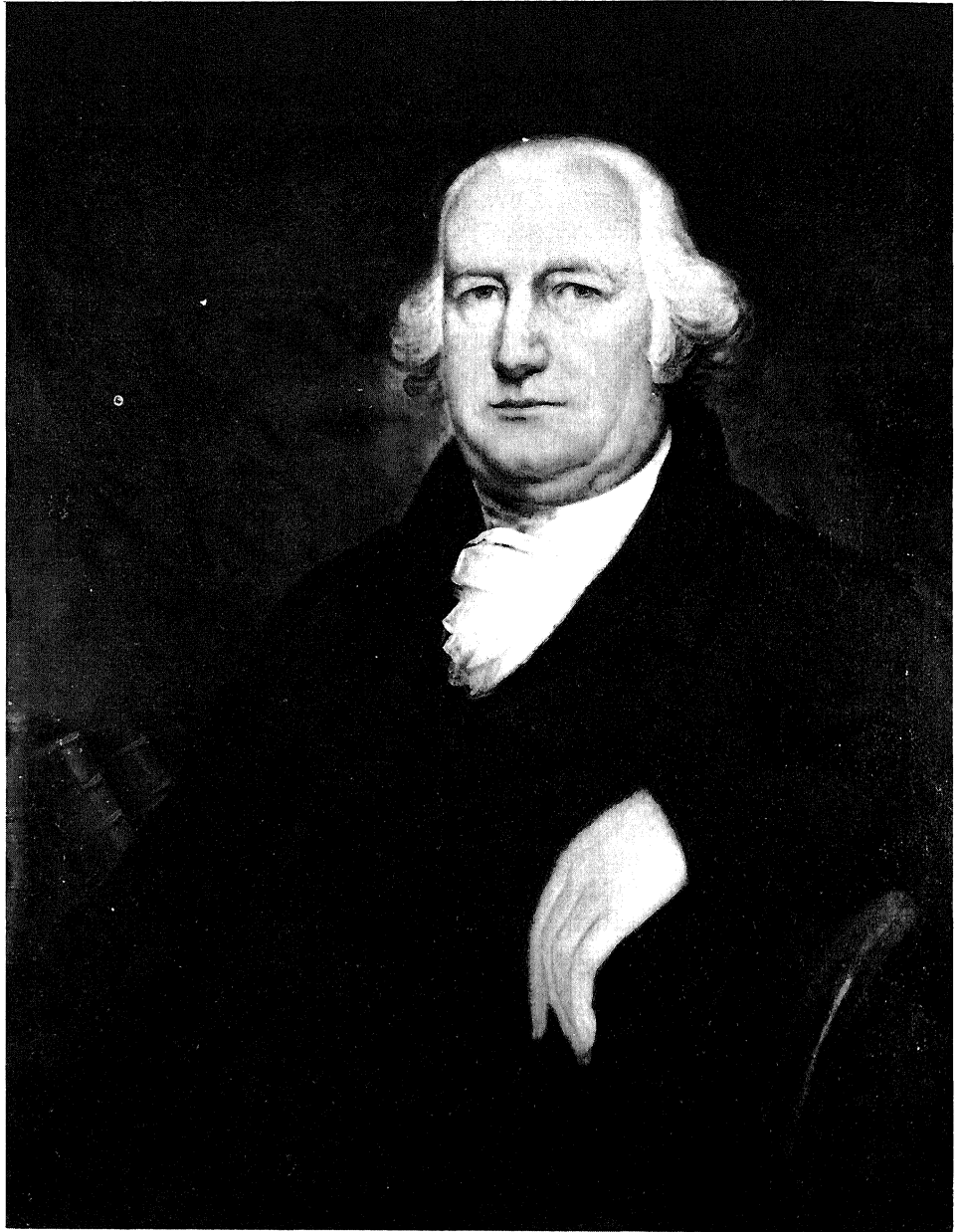
**THE NEW JERSEY AMERICAN
REVOLUTION BICENTENNIAL
CELEBRATION COMMISSION**

Foreword

New Jersey's Revolutionary Experience is a Bicentennial pamphlet series published by the New Jersey Historical Commission with a grant from the New Jersey Bicentennial Commission. The twenty-six numbers and two teachers' guides are intended to acquaint secondary school students and the general public with the state's history during the era of the American Revolution. Some titles treat aspects of the Revolution in New Jersey, while others show how important themes of the colonial period developed during the revolutionary years; some bring together the results of existing scholarship, while others present the findings of original research; some are written by professional historians, and others by laymen whose investigations of Jersey history exceed avocation. Because the series is directed to a general audience, the pamphlets have no footnotes but contain bibliographical essays which offer suggestions for further reading.

New Jersey's Revolutionary Experience is the product of a cooperative venture by numerous individuals and agencies. On my behalf and that of the pamphlets' readers, I accord recognition and appreciation to the individual authors for their contributions to New Jersey history, to the New Jersey American Revolution Bicentennial Celebration Commission and the New Jersey Historical Commission for their support of the project, to Hank Simon, president, Trentypo, Inc., for his invaluable suggestions and cooperation in producing the series, and to the staff of the Historical Commission: Richard Waldron, Public Programs Coordinator, who as project director supervised the series from commencement to completion; Peggy Lewis, Chief of Publications and Information, and Lee R. Parks, Assistant Editor, who edited and designed each number; and William C. Wright, Associate Director, who contributed valuable suggestions at every stage of production.

Larry R. Gerlach
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Elias Boudinot (1740-1821). Portrait by Charles Willson Peale. Courtesy Princeton University.

The presidency of the United States has often been called the most powerful office in the world, and it has been described by some as the “splendid misery.” A president in the latter half of the twentieth century must deal with issues that sometimes may mean life or death for the world. The burdens of the presidency may be greater and more ominous today than ever before, but they are not new. From the very beginning of independence those who occupied the position of chief executive have been faced with enormous problems. Remarkably, most of our leaders have held up under the pressure and have provided sound leadership.

Elias Boudinot would certainly fit into this category. Boudinot was president of the Continental Congress in 1782-1783 (actually president of the United States) during a portion of the time when the government operated under the Articles of Confederation (1781-1789). He served after most of the military action had ended but before the final peace was achieved. Even though they were somewhat different from today, the problems he faced would be overwhelming for a modern president.

On April 15, 1783, Boudinot had the honor of placing his signature on the preliminary treaty with Great Britain that ended the revolutionary war and recognized United States independence. This was a great and momentous event that had been in the making for at least seven years.

Although this was not the final definitive treaty, it was significant in that the British formally recognized American demands and reconciled themselves to the fact that the American colonies were no longer under even nominal British control. For the Americans, it had been a long and tortuous trip.

The Americans had begun their activities by protesting British actions and proclaiming their rights as British citizens; they ended by renouncing that citizenship and creating a new nation based on the novel principle of self-government that was not accepted anywhere in the world. This goal of independence and self-government had not been totally accepted by American colonists; even with unanimity, the odds against success would have been overwhelming.

American success was due to many factors. Certainly luck, British blunders, American determination, and the British lack of commitment were significant. Without question, a major factor in American success was the very effective leadership that emerged from the ranks of the colonists. This is all the more remarkable when one considers that the population pool from which the effective rebel leadership emerged approximated the present population of the state of Arizona. The American nation was fortunate to have so many capable leaders emerging from such a small population.

The well-known revolutionary leaders had their stories told many times. Men like George Washington, Thomas Jefferson, and Patrick Henry deserve their reputations because they made significant contributions to the cause of American independence. They were the right men at the right place at the right time; no one could want to remove them from their prominent positions.

In addition to these famous leaders, a group of individuals almost forgotten by the general public also contributed to the cause of liberty. In many instances they are known only to historians who specialize in the period. Despite their obscurity, these men did much of the day-to-day work, often routine and unexciting, that made the emergence of an independent United States possible. Without their sacrifices and contributions, the course of American independence may well have been much different. No man fits this category better than Elias Boudinot, the signer of the peace treaty with Great Britain.

When one examines Boudinot's career, his current obscurity is difficult to understand. A brief listing of his activities reveals a man of deep conviction with a strong tendency toward public service. He was an attorney in New Jersey, a member of the New Jersey Committee of Safety in 1775, commissary general of prisoners for

the Continental army from 1776 to 1778, a member of the New Jersey Provincial Congress, a delegate from New Jersey to the Continental Congress in 1777-1778 and 1781-1783, a member of the United States House of Representatives from 1789 to 1795, the director of the United States Mint from 1795 to 1805, and the first president of the American Bible Society.

Elias Boudinot was fourth in direct succession to bear that name. A descendant of French Huguenots (Protestants of the sixteenth and seventeenth centuries), Boudinot had “two outstanding characteristics of the Huguenot bourgeoisie—piety and an acquisitive instinct.” His ancestors had been prosperous merchants in France, but after emigrating to America the family fell on hard times. Despite his middle-class background, Boudinot was financially unable to attend the College of New Jersey (now Princeton University), which had recently opened in his home town of Newark. Ironically, he eventually became a trustee of the college after it was moved to Princeton, and in 1783 he returned to the campus as president of the Congress of the new nation when Princeton was temporary capital and Congress met in the college’s Nassau Hall.

Despite the limitations that prevented him from obtaining an education, Boudinot’s early life provided the experiences that helped lead to a career of distinction. For example, his religious training was a mixture of traditional Protestantism and the new revival spirit spreading throughout the American colonies. He was baptized by George Whitefield, the fiery and effective evangelist who toured America at about the time of Boudinot’s birth in 1740. Whitefield was an associate of the Englishman John Wesley, who was responsible for the founding of the Methodist Church. Boudinot’s family was also closely associated with Gilbert Tennent, a leader in the revivalistic element within the Presbyterian Church.

As a child, Boudinot had the opportunity to know Benjamin Franklin in Philadelphia. Since his family lived next door to Franklin for about a year and in the same neighborhood for longer, Boudinot was close enough to witness many of Franklin’s experiments and to be aware of his growing reputation. No evidence exists that years later, when they served together in bringing a new nation to life, Franklin remembered young Boudinot as a neighbor, but there is no doubt that Boudinot remembered

Franklin and his early activities. Boudinot and his elder brother also came under Franklin's indirect influence when around 1753 they attended the Academy of Philadelphia (later the College of Philadelphia and eventually the University of Pennsylvania), begun by Franklin only two years earlier.

After the two boys had spent one year at the academy, the Boudinot family moved from Philadelphia to Princeton, New Jersey, where Boudinot's father hoped to make a fortune in copper mining. New Jersey remained Boudinot's home for the rest of his life even though he spent many years away from it representing a fledgling nation.

Early in life, Boudinot showed a strong interest in both the law and the ministry and willingness and ability to work hard to achieve what he wanted. His first interest was the ministry, but he had to settle for a career that did not require college, and his choice was the law. However, he always retained an active interest in religious matters, as evidenced by his presidency of the American Bible Society and his religious writings. Boudinot studied law under his brother-in-law, Richard Stockton, a highly respected New Jersey lawyer, later to be a signer of the Declaration of Independence. He was licensed a counselor and attorney at law in 1760 and sergeant at law in 1770. He eventually became a leading member of the profession in Elizabethtown (modern Elizabeth).

Physically an attractive man, Boudinot is described as tall, handsome, elegant, eloquent, and emotional. He had a mild temper, was poised and level-headed, and was quite capable of getting at the root of any problem that faced him. As an emotional man, he could use tears to advantage, but he knew when and where they would be ineffectual. His sense of humor shows in his letters to his daughter and only child, Susan, when he chides her for not being more prompt in her letter writing. The lapse on her part bothered her father since he was a consummate letter writer, as were so many of his contemporaries. Part of this may have been due to the amount of time that he was away from home on public business.

In 1765, when his law practice began to show promise, Boudinot was married to Hannah Stockton, the sister of his mentor, Richard. A series of surviving letters reveals that Hannah played "hard-to-get." Boudinot was the ardent suitor, especially in his



Hannah Stockton Boudinot (1736-1808). Portrait by Charles Willson Peale. Courtesy The Art Museum, Princeton University.

letters. Evidently, Hannah had some reservations since she was four years older than Boudinot and he was a man with an indefinite future. Eventually, however, Boudinot overcame Hannah's reservations. With marriage, Boudinot raised himself in colonial society and established lifelong contacts. Despite the many separations forced upon them by his later Continental service, Boudinot's life was one of faithful devotion until Hannah's death in 1808.

Politically Boudinot can be described as a Whig. A basic principle of Whig thought was that government exists for the protection of property. Therefore, when a government threatens property, as Britain did with numerous trade laws, the American Whigs believed that the government was acting illegally.

Therefore, Boudinot usually supported the conservative position taken by the landed gentry of rural New Jersey. He supported rule by the landed class, legal government, and property rights. No evidence suggests that he, like so many men of his time, might endorse the radical cause when difficulties with Britain became serious. However, his Whig background was evident throughout his career.

Boudinot got his first taste of politics in the furor that followed the Boston Tea Party in December 1773. In the spring of 1774, when word reached New Jersey that Britain had closed Boston harbor as punishment, a meeting in Newark endorsed a resolution calling for an intercolonial congress to devise a colonial plan of union. A local committee of correspondence was appointed with Boudinot as one of the members. As other counties in New Jersey followed suit, Boudinot was named to a standing committee of correspondence for the province of New Jersey. This was only the first step into a political career that would carry Boudinot through the formative years of the American republic.

Even though New Jersey was taking a more active role by this time, it is important to note that the colony had been relatively moderate in its reaction to British policies that caused colonies like Massachusetts to become more radical. In this sense, Boudinot's early moderate stand was very much like that of his colony. However, by 1774-1775 New Jersey and Boudinot were more convinced that British policy threatened the peace and stability of society.

Early in 1775, Boudinot was instrumental in convincing the New Jersey assembly to approve the proceedings of the recently adjourned First Continental Congress. Shortly thereafter, the New Jersey Committee of Correspondence concluded that nothing further could be accomplished through the regular government of New Jersey, and it called for an extralegal Provincial Congress to meet in Trenton in May. Boudinot was elected a delegate from Essex County.

The Provincial Congress dispatched Boudinot and William Peartree Smith to Philadelphia to seek advice from the recently assembled Second Continental Congress. When none was forthcoming, the Provincial Congress proceeded to make arrangements for local military forces. By this time fighting between the colonials and British soldiers was already underway. New Jersey did not intend to be left defenseless. During August 1775, Boudinot assisted in securing several casks of powder which were sent, despite the fact that New Jersey's defense was weakened, to General Washington's army besieging Boston, which was virtually out of ammunition.

At this time, Boudinot, like many other colonials, resisted British authority to protect his interests and those of other Americans, which he believed were being violated. He had not yet decided that independence was the appropriate goal. For example, his more conservative position was evident when he confronted the radicalism of Dr. John Witherspoon, president of the College of New Jersey, in April, 1776. At a meeting of county delegates, Witherspoon attempted to rush New Jersey into declaring independence on her own initiative. Boudinot, who happened to be in New Brunswick at the time, took the floor, and according to his biographer, convinced the group by his eloquence that such action, should it become necessary, was properly the province of the Continental Congress. Independence was something he believed that New Jersey could not accomplish alone. In fact, Boudinot, like many other conservative Whigs, still hoped for a reconciliation with Great Britain.

For the next year, Boudinot's activities in the revolutionary movement were minor. He spent the time getting his personal affairs in order since public service, especially in a time of turbulent activity, makes it difficult to attend to personal matters. During the

same period, he moved his family from their exposed position at Elizabethtown to a more secure position at Basking Ridge. By the middle of 1777 Boudinot, like many others of his political persuasion, had resolved any lingering doubts, and was in the thick of the independence struggle. He had decided that separation from Great Britain was the only way people like him could protect themselves from unjust government. He now took a position that proved one of the most difficult of his career, and that required the use of all his enormous talents: that of commissary general of prisoners of the Continental army.

Among the most difficult tasks of any government during wartime is caring for prisoners of war. This was a special problem for the United States during the Revolution since it possessed a government in the midst of being born, impoverished, and facing the herculean task of fighting the greatest empire in the world. Yet, despite these difficulties, its prisoners had to be cared for.

An additional problem was that as early as August 1775 General Thomas Gage, British commander in chief, had refused Americans the rights of prisoners of war because they were "rebels." Finally, Washington and General William Howe, who replaced Gage in 1776, had reached an agreement, approved by the Continental Congress, to exchange prisoners on a one-to-one basis. For example, one officer could be exchanged for an officer of the same rank, a soldier for a soldier, a sailor for a sailor, and others on the same basis. Each exchange had to be negotiated separately.

By the winter of 1776 the British held nearly five thousand American prisoners while some three thousand British soldiers were in American hands. The American official charged with seeing after the interest of both groups was given the title commissary general of prisoners. He was obligated to oversee the housing and treatment of British soldiers, making separate arrangements for officers and enlisted men. This was further complicated by the British use of German mercenaries, who created special problems in captivity.

In addition, the commissary general had the duty of providing assistance for Americans held by the British. Under the rules of war, agents could be designated or sent behind enemy lines to act in behalf of the prisoners. At this time, most Americans were held in the British stronghold of New York. Boudinot's brother-in-law, Lewis Pintard, who was in New York, acted unofficially as

Boudinot's agent during the latter's tenure as commissary general.

The commissary general had the responsibility of learning the condition of British-held Americans and providing for their needs. Boudinot soon learned that the health and living conditions in British prisons were generally poor. Many things hampered the efforts to aid American prisoners, including General Gage's original refusal to recognize the "rebels" as regular prisoners of war. Were this indeed the case, the responsibilities for treatment were somewhat different. The letters from the prisons and the reports that filtered out told grim stories of how Americans were treated.

On the American side, the treatment of the British soldiers also left much to be desired. Lacking an established and stable central government with adequate resources, there was no organized plan to care for prisoners of war. Each time the American army took a British prisoner it added to the government's problem, for there were no adequate prisons available, no money to feed prisoners, and few soldiers who could be spared to guard them.

Boudinot also had other duties: he was responsible for prisoners' paroles, for seeing that they did not violate the terms of their release, and for dealing with the British in their exchange.

Without question, the position of commissary general was unpopular. Not only was it unattractive, it also offered little chance for heroism or for distinguishing oneself in a military fashion. In fact, Colonel Cornelius Cox, the first man offered the position, refused on the grounds that it was a thankless task that would not allow him to make a name for himself.

Considering the nature of the position, Boudinot might well have considered it a cruel April Fool's joke when General Washington asked him on April 1, 1777, to take the position. Washington knew of Boudinot's previous activities in the patriot cause, but he probably chose him primarily because the young Alexander Hamilton had just become his aide-de-camp. In 1772, when Hamilton originally arrived in America from the West Indies, a mutual acquaintance had sent him to Boudinot for assistance. Boudinot had extended Hamilton his hospitality, even to the extent of providing educational assistance. Hamilton had probably advised Washington of Boudinot's talents.

Following the offer of the position, Boudinot met with Washington to decline the post. However, when the meeting

proved to be too much for Boudinot to resist, he accepted the offer. He later said that Washington was a master of psychology who explained that his only goal was to achieve independence but that such an objective would be impossible "if Men of Character and influence would not come forward and join him in his Exertions." Boudinot, always a man of conscience and responsibility, could not resist the general's request. He took the position, he said, not only to be of service to the prisoners but also "to watch the military and to preserve the Civil Rights of my Fellow Citizens."

In early June Boudinot met with the Continental Congress in Philadelphia to work out the details of his appointment. Since he was the first officer to be appointed to this post, he had few guidelines. He was given a commission as colonel and commissary general of prisoners, postdated to April 15. He had the pay and rations of a colonel, and eventually, five deputies to assist him. In addition, his position carried the authority even to alter the orders of the Board of War, if necessary, to carry out the duties of his office.

Among Boudinot's major problems was his inability to obtain sufficient money to provide adequately for the prisoners. He was especially distressed when, immediately, he began to hear stories about the treatment of American soldiers, so distressing "as made my Heart ake [sic]." For a man with such a conscience, the reports were all the more frustrating because he could not move rapidly to change conditions. He appealed to General Washington and to the Continental Congress for hard currency which could be used in New York to assist American prisoners. Far too often all he received from Congress was Continental money, which was highly depreciated in most places and totally worthless in New York where the British were in control.

In addition to the general difficulties with Congress, Boudinot had to deal with several states pursuing varying policies. Some states carried on their own negotiations with the British to arrange exchanges of prisoners. Boudinot complained that individual state action threw his plans into confusion and worked to the disadvantage of a coherent national plan. The difficulty of getting the states to cooperate in prisoner matters was an example of the problem of unified national action, unsolved until the federal Constitution went into effect in 1789. Until then no effective central authority could establish and enforce national policy.

Among Boudinot's major efforts was the attempt to bring some order to his department. When he was first appointed, he was given only two deputies, but the number had been increased to five shortly thereafter. After about two months on the job, Boudinot proposed that a deputy, whose responsibility would be to receive all prisoners and to report directly to Boudinot be appointed for each state. The suggestion was finally approved in October 1777.

He also recommended that special stockades to provide better control of the British and Hessian troops be established at various locations. Here again Boudinot encountered resistance from the states unwilling to underwrite such an expense. Without cooperation, Boudinot was forced to house the prisoners as best he could; in some instances the accommodations were primitive. The lack of proper facilities also made it difficult to prevent escapes. A few of the special barracks that he requested were eventually constructed on the model of those in Lancaster, Pennsylvania. Finally, when the states could not be convinced to cooperate, the Board of War directed Boudinot to contract for barrack construction from Continental funds.

Because of the difficulties in obtaining provisions for American prisoners under British control, Boudinot on several occasions purchased them with his own money. Shortly after his appointment he had appealed to Washington, who was unable to provide him with either money or supplies. Finally when Boudinot volunteered his own funds Washington encouraged him, saying that he would share half the loss if Congress failed to reimburse him. On one occasion, while in New York to inspect prison conditions, Boudinot borrowed approximately \$26,000 on his own credit to provide supplies for American prisoners. He eventually spent approximately \$45,000 of his funds in the cause. The New England states initially opposed reimbursement because of the large amount of money involved and possibly because they suspected Boudinot of padding his account. Eventually he was able to obtain repayment in full from Congress.

In official capacity, Boudinot made several visits behind British lines to inspect prison conditions. In Philadelphia he found conditions generally tolerable, but conditions in New York appalled him. Because the officer in New York was reputedly cruel in his treatment of Americans, Boudinot and Washington appealed to the

The account of Stephen Boudinot Esq^r appointed Commissary of Prisoners for this State in virtue
of a Law passed Dec^r 12th 1778.

This Accountant discharges himself of $\text{D} \text{ \& } \text{P}$ of $\text{C} \text{ \& } \text{P}$ His Receipts from disbursement for allowance $\text{C} \text{ \& } \text{P}$

1779	To Cash rec ^d from Stephen Boudinot Esq ^r for the bounty of 5000, on behalf of the King	375	"	"	1779 May 10	By Cash paid John Gunther Esq ^r for 10000	516	11	6
1779 May	d ^o rec ^d of John Rivers Esq ^r for 10000	375	"	"	July 11	" d ^o paid for M ^o Lamb Esq ^r of Prisoners	17	6	4
	Ball due to Boudinot Esq ^r Continental	11	48	3	Aug 19	" d ^o paid Anna Spruett for carrying a Prisoner	7	10	"
					1779 June 4	" d ^o paid Thomas Lingley, Freight &c.	135	"	"
					"	" d ^o paid for Thomas & dealing King	75	"	"
					1779 Mar 23	" Capt Peter Corwin's ac ^t for receiving a Prisoner	18	"	"
					"	" James & expenses acting as Commissary 1 year	1122	15	"
		1898	3	"	"	" the representation of d ^o 150. 10. 0. the Ball of M ^o Gunther & M ^o Corwin's Accounts from 1 st Jan ^y 1779 to May 1780	1898	3	"
	Ball due d ^o for L. Boudinot in specie	175	13	9	"	" Balance of M ^o Boudinot's ac ^t with Boudinot Esq ^r d ^o 175. 13. 9			

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An account sheet from Boudinot's term as commissary general of prisoners of the Continental army. Courtesy Archives and History Bureau, New Jersey State Library.

British command. On a return visit to New York after a change in command, Boudinot found conditions substantially improved.

On Christmas Day 1777, Boudinot was notified that the New Jersey legislature had elected him a delegate to the Continental Congress. Although he had been told in advance that he might be chosen, he was still somewhat mystified about the reason for his selection and in a quandary about whether he should accept. He did not attend Congress until July 1778, partially because he was still engaged in his duties with prisoners. When he took his seat, it was probably because Washington suggested that as a member he might recover his financial losses.

Meanwhile, in March 1778, Boudinot was appointed to a delegation of four men to meet with the British to arrange a general exchange of prisoners. The negotiations failed because the British commissioners were not authorized to deal seriously with the Americans. General William Howe was using a delaying tactic that irritated Boudinot.

Boudinot would not long endure a position that allowed him to do so little for the American prisoners. Since he had been away from home so much he was also concerned about his own affairs. The frustrations of the position were simply too great, and he submitted his resignation, effective May 11, 1778. However, before he could get his affairs in order he received an urgent message from Washington to go to Germantown, Pennsylvania, to arrange for a general exchange of prisoners. He spent several days there but was again unable to reach agreement with the British. With that failure, he took his leave and returned to New Jersey.

After a delay of about seven months, Boudinot took his seat in Congress on July 7, 1778. As expected, he spent much of his time trying to recover the personal funds he had spent. He had special bills introduced into Congress to reimburse him for verified expenses; he also mounted an intensive lobbying campaign to convince the other members that his claim was just. This was a crucial issue for him since the debts tied up much of his wealth. As he noted in his journal, if he failed to obtain payment, "he should be totally ruined." After much effort, he succeeded in getting a reimbursement bill passed.

In this very limited first service in Congress, Boudinot left little record, since he attended for less than two months. A cynic might

conclude that his only purpose was to satisfy his expenses while commissary general. The last date for which his attendance is recorded was August 20, 1778.

He left Congress to return to his home in New Jersey, where he tried to pick up the pieces of his personal life. Despite the dislocations of war, he was able to rebuild his estate and his law career. During this period of retirement from public life, Boudinot concentrated on private matters, but he retained an active interest in public affairs. The Continental army under General Washington spent the winter of 1779-1780 at Morristown; a portion of the troops were on Boudinot's land. He wrote to a friend that the presence of the troops was bothersome to him, "but as it is undoubtedly for the publick Good, we suffer in Silence, without a Complaint."

While in temporary retirement, Boudinot also witnessed on January 1, 1781, the mutiny of Continental soldiers from Pennsylvania who had not been paid for several months and were not able to secure releases after what they considered to be their stated term of service. Boudinot observed their actions and reported them to New Jersey's Governor William Livingston.

After some three years in private life, Boudinot concluded that his days of public service were probably over. However, in July 1781, the New Jersey legislature elected him to Congress to fill an unexpired term. Although he was dismayed by the prospects of disrupting his family life again, he believed that he must heed the call of his country. Like so many men of his day, Boudinot believed that public service was a burden one had to bear if he had the talent for the job. He had been unable to resist Washington's request to become commissary general of prisoners; he was again unable to reject the call to service. Nonetheless, he consoled himself in the belief that this was merely a temporary appointment.

In truth, this term began his really productive career in public life. In 1777 and 1778 he had been a secondary figure in the revolutionary movement and in the life of the young republic. Beginning in 1781, however, he moved into a position that would eventually place him in command over his old commander in chief, George Washington. He would find himself serving as the chief civil officer of the nation, a position which would require him to sign the

document that ended the war and recognized American independence.

What Boudinot assumed would be a temporary appointment to Congress was the first of several elections to that body. The Congress to which Boudinot returned in 1781 was somewhat different from the one he left in 1778. During his first service, Congress had been an extralegal body that had assumed the powers of government with the adoption of the Declaration of Independence. Steps had been taken to create a regularly constituted government; but the independence and jealousies of the individual states made progress very slow. The new instrument of government, however, the Articles of Confederation, had been in effect almost five months before Boudinot resumed his seat. In his new position, he represented a state in a legally constituted government.

Shortly after taking his seat, Boudinot came into conflict with a young Virginian who would remain an adversary all his life. Although James Madison eventually acquired a more prominent historical reputation than Boudinot, for the moment, at least, he met his match in the shrewd delegate from New Jersey. Their first conflict arose over the status and disposition of the western lands claimed by several states. This was a problem of long standing. Several colonies had been granted vast territories to the west in their original charters from the king. Despite the vast potential in this area, most of the states had done little to claim or develop the territory. When the debate over the Articles of Confederation began, several of the smaller states without western claims — including New Jersey — insisted that all such claims be abandoned and the territory in question become a national domain. The disagreement over this matter almost wrecked the new government before it was started since the refusal of one state to ratify the Articles would prevent the document from going into effect. Virginia and several other states eventually gave up their claims to achieve union, but now the issue was the disposition of these lands. Madison envisioned a public domain where land speculators would not be allowed, but Boudinot believed that enterprising businessmen should have the opportunity to profit from this vast natural resource. This again reflected his Whig attitude that the government should provide protection and incentive for

enterprising businessmen. This directly contrasted with the views of Madison (and also Thomas Jefferson) who believed that the government should provide opportunity for all without any special privileges for business. This difference of opinion would later be among the reasons for the formation of two political parties. The complex issue continued to concern Congress for several years. Madison and Boudinot always remained on opposite sides of the issue. Madison and others sometimes questioned Boudinot's motives since he was known to be a stockholder in western land companies.

Although he was new in Congress, Boudinot soon became one of its most valuable members; however, his reputation did not spread far beyond Congress itself.

Boudinot served on some thirty committees, usually as chairman. He was socially aware, diplomatic, and legally knowledgeable enough to become important in dealing with representatives of foreign governments. A man of many talents, Boudinot also helped to design the Great Seal of the United States. The front of the seal was designed by Charles Thomson, secretary to Congress, and the reverse by William Barton, assisted by Boudinot and Arthur Lee. This seal is depicted today on the reverse side of the dollar bill.

When news of the victory at the battle of Yorktown (October 19, 1781) and the surrender of General Charles Cornwallis reached Philadelphia, Boudinot was appointed to the committee to receive General Washington's report. Needless to say, he was elated at the decisive victory that most people recognized as probably leading to peace. In addition, Boudinot, always a man concerned about fiscal responsibility, commented that victory had come none too soon since the Continental treasury was empty.

Shortly after the report from Yorktown, the term of Congress, for which Boudinot had been elected on a temporary basis, expired. Like so many men required to be away from home so much, he stated that he anxiously awaited the end of his service so that he could return to New Jersey to look after his personal matters. He was somewhat dismayed, therefore, to learn on the last day of the session, November 3, 1781, that the New Jersey legislature had reelected him to a new term in Congress. Despite personal misgivings and the personal sacrifice required, Boudinot reported

to the legislature that he would accept the appointment since this was a momentous time that required every state to be fully represented.

The year 1782 proved to be frustrating both for Boudinot and for Congress. Following the defeat of the British at Yorktown the previous October, hopes ran high for a quick peace settlement. But many areas of disagreement remained between the Americans and the British. For example, much of the year was spent trying to arrange appropriately for the treatment and exchange of prisoners. Since Boudinot was experienced in such matters, he spent much of his time trying to reach satisfactory agreements on this sensitive matter, complicated as it was by the large number of British and Hessian soldiers taken captive at Yorktown.

Finally, in March a British agent approached Benjamin Franklin about the possibility of informal peace negotiations. Meetings continued on an irregular basis until September 16, when Congress authorized Thomas Jefferson, John Adams, Benjamin Franklin, John Jay, and Henry Laurens to begin serious, formal negotiations for peace. Shortly thereafter, the problems of a victorious coalition surfaced when the French minister in America requested that Congress promise to make no peace with Great Britain without French participation. France had come to American aid at a time that was crucial to continuing the conflict; she had made important national commitments in the process. Now the French wanted assurances that their demands of the British should not be ignored in any possible peace settlement. Although Congress quickly promised that nothing of the sort would occur, the American commissioners signed a provisional treaty on November 30 without consulting the French. The treaty stated, however, that it would not become final until the British and French had agreed upon a peace settlement of their own.

The most momentous event in Boudinot's life occurred on November 4, 1782. During September and October he was fairly well assured that he would be reelected to Congress and reconciled himself to that fact. He had planned, however, to spend much of the winter at home since he was lonesome and his personal affairs had been neglected. His plans changed when, on November 4, as the new session convened, the first order of business was to elect a president. For several years a policy of rotation among the states

had been followed; New Jersey had yet to contribute a president. For many it seemed only natural that Boudinot be chosen. Interestingly he was supported by Middle Atlantic and New England states. Maryland was the only southern state to cast its vote for Boudinot. Some of the delegates, such as Madison, opposed Boudinot's election because they feared that he represented the western land speculators who would exploit the new territory for their advantage.

The importance of this election cannot be overstressed. Under the Articles of Confederation, the president of Congress was in truth the president of the United States since no real executive official was provided for in the document. Thus, for all practical purposes, Boudinot was the chief executive of the United States, and he had to deal with all national problems including diplomatic matters.

The position was sensitive at this particular time because the negotiations with Britain were beginning to bear fruit. The president's attitude would be crucial in a decision of Congress to accept or reject any peace terms that might come forward. Furthermore, American finances were extremely weak and, despite the military victory, the future was somewhat bleak. As the year progressed, Boudinot also found himself faced with very serious problems that he could not have anticipated.

Realizing the honor and new responsibilities placed upon him, Boudinot rearranged his personal life. His wife and daughter had been left at home in New Jersey. Since his position required a certain amount of social activity, he sent for them as soon as accommodations suitable to the needs of the president could be found in Philadelphia.

The first few months of Boudinot's term were uneventful and, on the whole depressing. He anxiously awaited word from the peace commissioners, but month after month passed with no reports forthcoming. Congress was most immediately concerned with financial matters since reports revealed that, for all practical purposes, the Confederation was bankrupt. The treasury was empty, and there was no hope for replenishment. Agents were working with little success in Europe to raise new loans. France had provided money ever since she became an ally in 1778, but her future support was uncertain, especially since Congress had no way

of knowing how she might react when she learned that American commissioners had been negotiating separately for peace with Britain. Other countries in Europe, uncertain of the outcome of the war, were hesitant about making loans to a nation on the verge of insolvency.

In addition, the states seemed to be losing interest in the Confederation. In February 1785, Congress was forced to request officially that all the states, especially Delaware, Maryland, and Georgia, immediately send delegates to Congress so that a quorum would be present to conduct public business. The states' attitude directly affected the financial plight, since many of them did not remit their annual assessments for government operations. During this crucial period, criticisms of the Articles of Confederation became more vocal. Many found the national government's inability to force the states to do anything they did not want to do especially serious; the lack of any authority to enforce the collection of taxes was about to bring the government to a standstill. Some historians believe that concern for the government's future eventually led to the writing of the Constitution.

Boudinot was very much concerned about the matter of governmental authority: he had to face the daily problems of trying to run a government that had not won respect, and he naturally tended to favor strong national authority for stability and the protection of property.

Boudinot's concern about central authority was evident in the status of the military forces. Washington reported great difficulty in maintaining troop strength since soldiers were deserting because they had not been paid, and he felt unprepared to conduct another campaign against the British, should it be necessary. He swallowed a final bitter pill when Congress had to advise him that financial insolvency made it impossible to plan any future military activities.

The attitude of the military personnel became a major issue on March 17, 1783, less than a week after the preliminary treaty with Britain arrived. On that day Congress received a message from General Washington stating that certain officers, unhappy about late pay and having slim expectations of ever being paid, had called a meeting to discuss bolder measures that might convince Congress to redress their grievances. The possibility that the army would march on Philadelphia and Congress suddenly became a real

concern to Boudinot and to others. During the meeting, the soldiers proclaimed their loyalty to Congress but quietly reiterated their demands for pay. Washington's appeals to Congress on behalf of his men met promises but little action.

In the meantime, while the tension continued, action moved rapidly on the terms of peace with Great Britain. Shortly after the preliminary treaty arrived, word was received that the French and British also reached a preliminary agreement. This development relieved several leaders of Congress since the United States could now continue its peace making without risking offense to the French allies. Although Congress voiced some objection because the document was only a preliminary one, most members wanted to ratify it quickly. The major objective of the war had been achieved because the document stated, "His Britannick Majesty acknowledges the said United States . . . to be free, sovereign and independent states." On April 15, 1783, Congress took the fateful step to ratify the treaty, and Boudinot signed the document. Much more remained to be done, but the states had achieved independence.

During May, interest in national affairs waned again. Boudinot was forced to write personally to several states requesting that they maintain delegates in Philadelphia so that the government could function. Despite the official recognition of independence the financial situation had not improved. Several efforts were initiated to negotiate trade agreements with Britain and other European countries; it would be some time before these bore fruit.

In June renewed reports that the army might be considering some overt action rudely snapped the states back to attention. Reports were received on June 19 that about eighty soldiers were marching toward Philadelphia to demand back pay and that others would probably join them. Appeals to the government of Pennsylvania to protect Congress failed because John Dickinson, president of Pennsylvania, feared that the state militia would not obey orders. This crisis underlined the need for a strong central government, one that could maintain internal peace. When debate began, in 1787, over replacing the Articles of Confederation with a stronger constitution incidents of this sort argued strongly for the latter.

On June 21 about three hundred soldiers surrounded the

Pennsylvania State House where Congress was meeting. For about two hours the soldiers remained outside and began to drink heavily. Finally, Congress adjourned, and the members left individually, meeting only insulting remarks. Three soldiers accosted Boudinot and abused him verbally. After Congress adjourned, the soldiers returned to their barracks.

Congress reconvened in the evening and decided to move the meeting place to Trenton or Princeton if the state of Pennsylvania could not guarantee the safety of Congress. The tense weekend passed uneventfully. Alexander Hamilton, who was negotiating with Pennsylvania officials, finally reported to Boudinot on Tuesday, June 24, that no help could be expected from state officials. Boudinot quickly issued a call for Congress to reconvene in Princeton, and left immediately.

For many this was the darkest day of the revolutionary period. The states had undergone many hardships to win their independence from Great Britain only to find the national government threatened by its own military forces. Although most leaders recognized that the army had legitimate grievances, they knew that the government was in no position to redress those grievances. For most congressmen the trip to Princeton was a humiliating one.

Congress reassembled on June 30 in Princeton at the home of Colonel George Morgan. Shortly thereafter, the faculty of the College of New Jersey offered the college facilities, which Congress accepted on July 2. Thus Nassau Hall became the capital of the new nation for the rest of Boudinot's term.

The removal of Congress had a sobering effect on Philadelphia. Several army mutineers were court-martialed and sentenced. The government of Pennsylvania apologized for its dereliction of duty in not protecting Congress. For the rest of the year, debate in Congress about a permanent location of the nation's capital continued, with Philadelphia remaining in contention. At the time of Boudinot's retirement from Congress, no final decision had been made.

Congress conducted no important business until July 29 because it could not raise a quorum of nine states. Attendance at Princeton was so poor that one member's absence could prevent Congress from conducting business. The remoteness of Princeton

and the difficulty of travel undoubtedly contributed to the difficulties. Before long several members indicated that removal from Philadelphia may have been too hasty. However, the politics of the incident prevented any immediate reestablishment of the government there.

Because of internal problems, on June 16 Boudinot became acting secretary of state in addition to his other duties as president. In this capacity, he advised the diplomats abroad of the policy of the American government, and he participated actively in diplomatic matters at home. For example, on July 29, 1783, a treaty of friendship and commerce with Sweden was ratified. Although little direct commerce could be expected with that country for some time the signing of the treaty indicated Europe's growing acceptance of the new nation. Following the conclusion of this treaty, word that the definitive treaty ending the war with Great Britain had been signed on September 3 was followed by Peter John Van Berckel's arrival as the first minister to the United States from Sweden.

During the year, Washington was summoned to Princeton where he was received royally, commended for his service, and discharged from further duty. In October Boudinot signed a proclamation disbanding the army except for the garrisons at West Point and Fort Pitt, which totaled eighty officers and men.

For several years Congress had proclaimed one day per year for Thanksgiving; therefore, Boudinot issued a proclamation on October 18, recommending that the second Thursday in December be set aside for this annual holiday.

As his year in the presidency drew to a close, Boudinot requested of the New Jersey legislature that he not be reelected to Congress. He explained that he was greatly honored by all that had happened to him but that he had been in public service for seven years, much to his personal loss. He added that he believed it was time that he retired to make way for younger and more able men. He was anxious to return to private life.

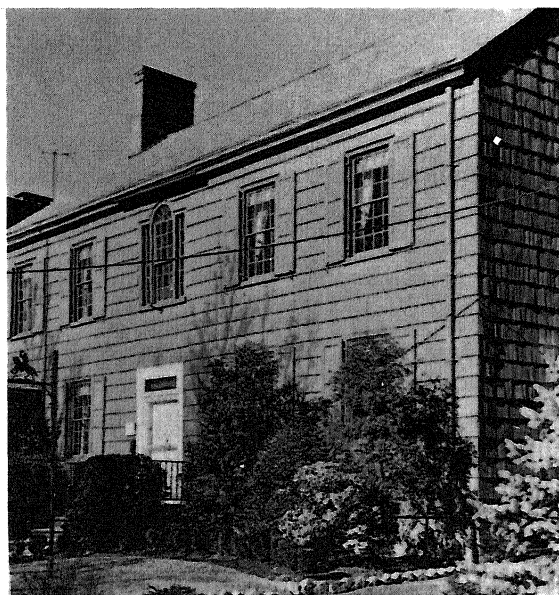
As president of Congress neither Boudinot nor any of the others who served in that position was outstanding, a fact that probably says more about the nature of the office than of the men who occupied it. Boudinot had led the country through a period of serious tension, and he had maintained his wit and general eloquence. His strength of character had shone through bleak times

even if his administration was routine. The nation owed him a vote of thanks.

One might have expected Boudinot to fade from the pages of history after his service in Congress. Yet, in some ways, he was just reaching the peak of his career. Like so many men of the Revolution Boudinot was still a young man; when he retired from the presidency he was only forty-three years of age.

For the next five years, Boudinot returned to his home in Elizabethtown where he rebuilt his estate and his law practice. He became a prosperous attorney and land speculator. In fact, he was deeply involved in western lands and instrumental in founding the state of Ohio and the city of Cincinnati. He did not participate directly but looked on approvingly at the events that led to the drafting of the new Constitution in 1787. He was amazed that such a document was born from the diversity of opinion existing in the country, and he was pleased that New Jersey was the third state to ratify it. The state convention acted unanimously without reservations or amendments.

Boudinot had always advocated strong government; the



Boxwood Hall, Boudinot's home in Elizabethtown. Courtesy New Jersey Reference Division, Newark Public Library.

problems that had beset the country under the Articles of Confederation simply confirmed his position. He was glad to see that the Constitution had corrected most of the weaknesses, but he also realized that the Constitution was a brief document that would require much interpretation in practice. Either his concern for the establishment of strong government or his restlessness in private life swayed him to allow his name to be entered as a candidate for one of the four seats in the House of Representatives allotted to New Jersey. Since he had been a prominent figure in the state for many years, his election came as no surprise.

Boudinot served six years in Congress and took a leading role in establishing the government on a firm footing. He became a Federalist when political parties began to emerge, trying at every opportunity to give the central government the powers he believed it needed.

From the beginning Boudinot was a strong defender of his old protege, Alexander Hamilton, who had been appointed the first secretary of the treasury by President Washington. When Hamilton presented his four-point program to provide a strong financial system for the country, Boudinot strongly supported three of the points. He did what he could to promote the legislation necessary to fund the national debt, to assume state debts, and to create a national bank. In these matters he opposed the Jeffersonians, who feared the effects of concentrating too much power in the national government. When the Jeffersonians attacked Hamilton in 1795 for his administration of the federal treasury, Boudinot was one of his most ardent defenders.

Boudinot's previous service to the country won him respect, and when Congress assembled he was discussed as a possible candidate for the powerful position of Speaker of the House. Although Boudinot probably would have been pleased to have been elected, too many obstacles stood in the way. He met some opposition from southern members who distrusted his previous actions regarding the use of western lands. For several reasons, the position of speaker fell to Frederick Augustus Conrad Muhlenberg of Virginia.

Shortly after Congress assembled, the members addressed themselves to launching the new government properly. Boudinot was made chairman of the committee to prepare for the

inauguration of George Washington as president. This task was complicated by serious disagreement about ceremonial details. Some members believed that the president should be inaugurated with the pomp and ritual of a European coronation, while others believed that the inauguration should be simple and unostentatious. The result was a compromise. As chairman of the inauguration committee, Boudinot escorted Washington on his triumphal march into New York City, the temporary capital.

The third branch of the government to be organized was the judiciary. When the Supreme Court assembled on February 2, 1790, Boudinot was the first attorney admitted to practice before the court.

During the six years in Congress, Boudinot was an active participant. He was a well-informed man who contributed much to the deliberations of that body. During debates on western land he was accused of having used his position for financial benefit. Although he was cleared of any charges he decided that six years of service was enough. He was tired and wanted to rest. Thus, once again he retired from Congress in 1795.

Although Boudinot yearned to return to private life, one of his last acts as a member of Congress influenced his return to public life for another ten years. He had conducted an investigation of the United States Mint at Philadelphia which had been under attack for some time. Boudinot had exonerated the director, David Rittenhouse, by explaining that any new institution, especially one requiring such technical precision, should be expected to face difficulties in the beginning. In addition, he said that poor laws and events outside the director's control had hampered the operation. Despite his report, the Mint continued to be controversial.

Shortly after Boudinot retired from Congress, Rittenhouse resigned as director of the Mint. His replacement, Henry William de Saussure of South Carolina, resigned after two months, convinced that the Mint's effective operation required a change in the law. Although he had been retired from Congress for less than eight months, Boudinot agreed to accept the post when President Washington offered it; however, he expressed concern about his lack of technical knowledge.

The next ten years were perhaps Boudinot's most serious test. He had inherited an institution under attack from all quarters. After

his first investigation as director, he concluded that the Mint should be closed or totally reorganized. Since neither procedure was feasible, he steadily improved its operation until it was efficient. During his administration, Thomas Jefferson tried to meddle in the affairs of the mint, much to the displeasure of Boudinot, who not only felt Jefferson's suggestions were wrong but also opposed him politically.

Boudinot's working relationship at the Mint was generally good. His concern for the employees' welfare was of the highest quality. His one major difficulty was the continuing animosity of Dr. Benjamin Rush, a relative by marriage. Boudinot managed to get him appointed as treasurer of the Mint, but Rush was a jealous man who spent much of his time attacking the director. Boudinot spent far too much time answering Rush's charges.

Boudinot's direction of the Mint was quite successful. Despite his denial of any technical skill, he reorganized the operation and made it efficient. Some of his rules are still in force today. Perhaps his major accomplishment was in saving the Mint from extinction when certain elements in Congress wanted to abolish it.

On July 1, 1805, after ten years service, Boudinot resigned from the Mint. He was sixty-five years old and hoped for a peaceful retirement in Burlington, where he became involved in other activities.

Boudinot had always been a deeply religious man, but active participation in his faith had been deferred because of public service. After retirement from the Mint, he had more time for thought and reading. While in retirement, he read Thomas Paine's new book, *Age of Reason*. He was so enraged by what he considered to be Paine's illogical attack on religion that he felt the challenge could not go unanswered. Thus, at sixty-five years of age, Boudinot entered upon a totally new career as a writer. His book, *The Age of Revelation*, was a point-by-point rebuttal of Paine, but unfortunately for Boudinot it received small notice. For the next several years he wrote a number of books, mostly on religious subjects. Although they are not particularly distinguished, they display his deep concern with religious matters.

Boudinot's last great achievement was the founding of the American Bible Society. As early as 1775 he had been interested in an organization that would promote religious knowledge among

the poor. It was not until the nineteenth century that state organizations for this purpose were created. In 1816 the time seemed to be ripe for a national organization devoted to promoting religious ideas. Boudinot took a leading role in creating the new organization even though he often had to work from his sickbed. Although he was not able to attend the organizational meeting of the American Bible Society because of poor health, his leadership was recognized. He was elected the first president of the group, and he personally donated \$10,000 to the cause. In somewhat better health, he was able to preside over the annual meeting in 1818.

During his later years Boudinot also became involved in philanthropic and humanitarian activities. Concerned about Indian education, he became a benefactor of a mission school at Cornwall, Connecticut. In 1818 a young Cherokee Indian from Georgia took the name Elias Boudinot as his own in Boudinot's honor. The young man later became a prominent editor, and, although he never became deeply involved in the debate, he also favored the abolition of slavery.

Boudinot died on October 24, 1821, at the age of eighty-one. He had worked until the end in the good causes that he had adopted. His wife had preceded him in death by thirteen years.

Elias Boudinot was a man of great importance. He served his country for sixty years at a time when good leadership was essential. Fortunately for the United States, the quality of leadership in those years was exceedingly high, and even though Boudinot was a man of great talent the giants of his era overshadowed him in history. Boudinot was no giant. He was, however, one of the many obscure and unrecognized men who did much to create and shape a nation that would have been different today without them. Like many others whose contributions have been minimized or forgotten, Boudinot deserves his proper rank in history among New Jersey's great men.

For Further Reading

The published material on Elias Boudinot is meager. The one full-scale biography and, by far, the best source available is George Adams Boyd, *Elias Boudinot: Patriot and Statesman, 1740-1821* (Princeton: Princeton University Press, 1952). Although Boyd was a nonprofessional historian, he became deeply interested in Boudinot's career and was able to uncover virtually all the primary sources available. His is indeed the definitive work on the subject. The only other biographical work, *The Life, Public Services, Addresses and Letters of Elias Boudinot*, was edited in 1896 by Jane J. Boudinot, a descendant. Published by Da Capo Press (New York) in 1971, it is valuable for the amount of material—somewhat poorly arranged—that it contains.

Boudinot's writings are available in the larger and more specialized libraries. However, they will probably interest only specialists of the period.

General histories of New Jersey and of the Revolution mention Boudinot, but most of them give him only a passing note. See for example: Larry R. Gerlach, *Prologue to Independence: New Jersey in the Coming of the American Revolution* (New Brunswick: Rutgers University Press, 1975), Charles L. Lundin, *Cockpit of the Revolution: the War for Independence in New Jersey* (1940. Reprint. New York: Octagon Books, 1972), and Richard P. McCormick, *Experiment in Independence: New Jersey in the Critical Period, 1781-1789* (New Brunswick: Rutgers University Press, 1950). In addition, a few articles in the scholarly journals deal with aspects of Boudinot's career, particularly as they influenced other individuals or events. See for example: David L. Sterling ed., "A Federalist Opposes the Jay Treaty: The Letters of Samuel Bayard," *William and Mary Quarterly*, 3rd. ser., vol. 18 (1961), pp. 408-424, and David L. Sterling ed., "American Prisoners of War in New York: A Report by Elias Boudinot," *William and Mary Quarterly*, 3rd. ser., vol. 13 (1956) pp. 376-393.

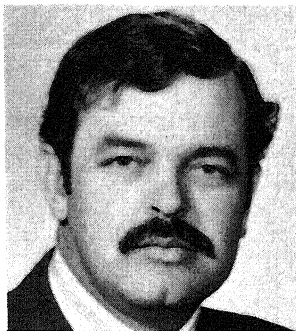
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