WILLIAM BINGHAM, AGENT OF THE CONTINENTAL CONGRESS IN MARTINIQUE

Looking back, it seems fairly obvious that France would support the English colonists in America in their revolt against the mother country. Although at the time the Americans were uncertain of the extent to which they could depend upon her, there were early indications that France and probably Spain would cooperate in the effort to hamper England by giving surreptitious aid to the colonies. As early as the summer of 1775 there were stories unearthed by British spies and relayed back to England that ships, actually French and Spanish property but made to appear American in case of detection, were being fitted out in the West Indies.\(^1\) In England the government was already convinced that help was going to the American rebels directly from Europe as well as from the West Indies.\(^2\) There is no doubt that during the winter of 1775–1776 powder and arms were trickling into the rebellious colonies from the French islands, especially from Martinique. The ships returned to Martinique taking cargoes of American produce in demand there, with orders from Congress to bring back more war supplies.\(^3\) If this trade could be enlarged, and if vessels engaged in it could avoid capture by British ships, it might become a very profitable business for the French islands as well as for the continental colonies.

Early in 1776 it became known that France was about to send a squadron over to the West Indies, supposedly for self-defense, but actually to protect this trade between the French islands and the American colonies.\(^4\) About the same time the Continental Congress in Philadelphia authorized the issuance of privateering commissions.\(^5\)

The crying need of the American colonies was military supplies, supplied in former wars by the mother country.\(^6\) France was the log-

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\(^1\) B. F. Stevens, *Facsimiles* (London, 1889–98), XIII. No. 1301, August 6, 1775.
\(^4\) Stevens, *op. cit.*, XIII. No. 1320.

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ical source of aid in this respect. Having sent Silas Deane abroad early in 1776 to negotiate with the French court for such supplies, the Continental Congress adopted a resolution on May 18 instructing the Committee of Secret Correspondence to send a representative to the French West Indies to purchase arms and ammunition and to discover whether the French fleet assembling there was hostile or friendly to the United States. Such a task required the services of some responsible person. Some time within the next sixteen days the Committee selected 24-year-old William Bingham of Philadelphia to carry out the wishes of the Congress.

Bingham is generally supposed to have spent several years in Martinique as British consul before the Revolution broke out. This was not the case. He had graduated with honors from the College of Philadelphia in 1768 and secured his Master's degree from the same college three years later. Early in 1773 he set out for Europe with letters of introduction to various merchants and remained abroad for a good part of the year if not longer. Although this would still have given him some short time to reside in Martinique, he seems to have been occupied elsewhere. Robert Gilmor, Jr., of Baltimore, who knew him well spoke of him years afterward as "a youth of handsome fortune in Philadelphia, brought up in the Compting house of Mr. John Wharton, at which time, when a mere clerk, he told me he had two brigs at sea.... He was employed by Congress at Martinique, as Commercial Agent," Gilmor adds, but fails to mention any earlier residence on the island. Previous experience as British consul at Martinique would have been good reason for the Committee to have selected Bingham as agent, but it is far more likely that he secured his appointment through his influential connections in Philadelphia. His father, who had died in 1769, had been a prosperous merchant in the West Indian trade, had served many years as a Common Councilman, and had been a member of the gay Church of England group in the

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*American Archives, 4 ser., VI. 1674.*

*Dictionary of American Biography.*

*Pennsylvania Gazette and Weekly Advertiser, December 1, 1768.*

*Ibid., July 11, 1771.*


city. His maternal grandfather, John Stamper, who was still living, was also a successful merchant and had been mayor of the city of Philadelphia. In a community whose population was approximately 20,000, the Bingham and Stamper families must have been well known. Bingham himself was better educated than the average young man of his day; he had already shown considerable ability along commercial lines; he was familiar with the West Indian trade; and, what may have been the most influential factor, he had been serving for some months as secretary of the Committee of Secret Correspondence when that Committee was told to make arrangements for the agency.

Bingham's instructions are dated June 3, 1776. He was to sail immediately for Martinique. After reporting to the French General there, he was to secure "10,000 good Musquets, well fitted with Bayonets," which he was to send to America in several small lots on swift sailing vessels, convoyed past the British islands and instructed to put in at the first American port possible. He was to obtain permission from the General to establish and operate what amounted to a bureau for the dispensing of American propaganda in Martinique, and consequently in the other islands and France. He was to keep the American agent in France informed of events in the islands and on the American continent "always distinguishing between what you think can be depended on and what is doubtfull." He was at all times to act as a private individual with commercial interests, and as such deliberately to cultivate as intimate an acquaintance as possible with all the prominent men in the French islands. Naturally the greater the success of his personal ventures, the better would be his excuse for remaining in the islands. He was to discover the intentions of the large French fleet assembled in the West Indies, what American products were in demand in the islands, and whether American cruisers would be permitted to bring their prizes to the island. Finally, he was to "encourage as many private Adventurers" as he could.

Although it was originally intended that Bingham should depart immediately for St. Pierre, Martinique, on the Sloop Hornet, that

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18 Committee to Bingham, Gratz Collection, H. S. P.
vessel was reported to be leaky\textsuperscript{17} and he was sent instead on the Frigate \textit{Reprisal}, Lambert Wickes, commander, sailing from Philadelphia on July 3, 1776. The voyage must have been a fairly exciting one. The \textit{Reprisal} convoyed thirteen merchantmen safely beyond the Delaware capes, and on the rest of the voyage took three prizes, the manning of them leaving her rather short handed. All went well until they approached St. Pierre on July 27, when the British sloop of war, the \textit{Shark}, came out of the harbor, engaged the \textit{Reprisal} for about half an hour, and sailed away only after two shots were fired at her from the shore. The \textit{Reprisal} then continued on its way, anchoring soon after in the bay before the town of St. Pierre.\textsuperscript{18}

The friendliness of the welcome by Martinique officials gave Bingham opportunity to inquire immediately whether prizes of American vessels might be brought into French ports for protection. The General not only gave him a favorable answer, but authorized Bingham to report that the French officials in the islands were friendly to the American cause. It was an auspicious opening for his agency.\textsuperscript{19}

Bingham was naturally anxious to have as regular communication with the mainland as possible. His suggestion to the Committee that certain packet ships ply between Martinique and the continent for this purpose was favorably received\textsuperscript{20} and seems to have been carried out for a time, which was a big help to him in supplying the Martinique papers with pro-American propaganda. These vessels were "fast Sailing well appointed" ships, and were intended for "Commerce, as well as to convey Dispatches."\textsuperscript{21} It would have been an ideal arrangement if it could have been continued throughout the war.

As soon as he arrived in Martinique there was plenty of work for Bingham to do in securing and shipping to America all the military supplies that he could lay hands on. French merchants had been sending gunpowder, apparently quite openly, to Martinique.\textsuperscript{22} This with other supplies, including a load of arms on the return voyage of the

\textsuperscript{17} Papers of the Continental Congress (Lib. Cong.). No. 37. 7.
\textsuperscript{18} Allen, \textit{op. cit.}, I. 144-45.
\textsuperscript{19} Papers of the Cont. Cong. (Lib. Cong.), No. 37. 37-43, Committee of Sec. Corres. to Bingham, September 21, 1776.
\textsuperscript{20} Ibid.
\textsuperscript{21} "Deane Papers" Connecticut Historical Society Collections (1930), XXIII. 47, Bingham to Silas Deane, November 10, 1776.
\textsuperscript{22} Stevens, \textit{op. cit.}, XIII. No. 1340, Lord Stormont to Lord Weymouth, July 24, 1776.
Reprisal, had gone on to the United States. Bingham was instructed to charge the cost of arms and other supplies to the Committee, and to sell for the account of the United States goods sent to Martinique by the Committee who promised faithfully to make further remittances of produce for him to sell and so to reimburse him for any expense he might incur.

Soon after Bingham's arrival the Committee learned that plans were afoot in France to send a large quantity of war supplies to America. Because of the difficulty of keeping secret anything that was known to Congress, the Committee broke the news only to those people who would have to know. As some of the supplies were expected to come by way of Martinique or St. Eustatius, Bingham was informed of the expected arrival of some vessels early in the fall of 1776. He was authorized to receive for the United States any cargoes sent by the firm of Roderigue Hortalez & Cie. to either of the islands and to acquaint the governor of each with his authority, but to proceed with caution. If the trip to St. Eustatius caused comment, he was advised to let "Mr. Richard Harrison or some person in whose prudence you can confide" inform the governor of that island. Harrison was the accredited commercial agent of the State of Virginia, which had sent him to Martinique as soon as it was sure that the colonies were going to declare their independence. The temptation to engage in the profitable and formerly illegal West Indian trade drew several other state agents and private merchants to the French islands while Bingham was there.

But the supplies did not arrive in the autumn of 1776. While waiting for them, Bingham loaded his available vessels with molasses and sent them off to the Committee. Financially this venture was a success. In acknowledging receipt of the molasses, the Committee suggested that he charter and load another vessel with molasses, coffee and sugar, to be returned with a cargo of flour and tobacco and sold.

24 Com. of Sec. Cor. to Bingham, September 20, 1776, H. S. P.
25 F. Wharton, Diplomatic Correspondence of the American Revolution (Washington, 1889), II. 151-52, Franklin and Morris memorandum for the Com. of Sec. Cor., October 1, 1776.
27 Miscellaneous Papers (New York Public Library) Richard Harrison.
in the islands for their account. But they complained of not having received more powder and informed Bingham that the Sachem was sent for the sole purpose of bringing back a load of blankets for which he was to “pledge the credit of the United States pretty freely” as the Committee must have them.  

The Andrew Doria had been sent at the same time to St. Eustatius to serve with the Sachem as a convoy for the ships which the Committee thought Bingham must have ready loaded with military supplies.  

But Bingham could scarcely send ammunition and supplies which had not yet left France.  

The delay in France was caused by a dispute about the route over which these supplies should be sent. Some thought it best to ship them to Martinique, where they would be trans-shipped in small vessels to North America. This was probably due to the hope that if any supplies were seized after having been reloaded on American vessels, France would still be technically innocent of having aided the rebellious Americans.  

But when Benjamin Franklin arrived in Paris as American Commissioner, he suggested that the risk of the voyage from the West Indies to the continent, due to enemy cruisers and privateers in that region, was as great if not greater than the direct voyage from Europe to America. The chief argument in favor of the Martinique route was pointed out by Bingham in a letter to Deane. It was “certainly to be prefer’d to a direct Voyage to America, as by this means the Risk may be divided, & the Goods shipped in well-appointed fast sailing Vessels, with proper Masters, well acquainted with the Coast, to command them.”  

Whichever way they might go, the Commissioners were anxious to get the supplies off to the United States before it was too late for them to be of use. Finally, some were sent directly to the continent and some by way of the French islands. The only ship which failed to reach America was the Seine. She arrived in Martinique on March 18,
having been "blown off the Coast of America in a hard Gale of Wind." As her cargo of arms, ammunition, and other supplies was "exceedingly valuable, & much wanted in America, I cannot but think it more advisable to ship it in different Bottoms, than to venture it all in one Vessel, especially as I have advices from Philadelphia of two of the Continental Vessels being destined in a Short Time for this Place," wrote Bingham to Deane on March 21. A few days later Bingham advised Deane that much of the supplies had been removed from the Seine, to be sent to the continent on several armed vessels. The Seine with the rest of the supplies "I have cleared out for St. Pierre Miquelon, & the General has been So kind as to write a Letter to the Commandant... This new Arrangement will greatly facilitate the Success & lessen the Risk of this affair." The wisdom of Bingham's arrangement was proved when it became known that the day after leaving Martinique the Seine was intercepted by H. M. S. Sea ford. The vessel's papers showed that she had cleared for St. Pierre with military supplies for the island's defense, but she was tried and condemned in Dominica and later used as a British sloop of war. Such treatment showed pretty plainly what the British thought of France's real intentions.

Although this important shipment had been delayed many months, Bingham had received several smaller quantities from France. On February 28, 1777, he wrote to Deane to acknowledge receipt of "One Hundred Tons of Powder... from Nantz... [and] a considerable Quantity that came from Bordeaux." Of this he had already sent the greater part "for the different States, as I was convinced it would run but a Small Risk at present, in Comparison to what it would, at a more advanced Season of the Year." Other consignments later passed through his hands from Europe to the United States, such as a shipment of tents, cloth, and medicines "on board the Schooner Rambler... under convoy of a French Man of War."
Early in 1777 he began to protest to the Committee against their failure to pay for supplies already sent. As the amount increased with disturbing rapidity, many shipments of supplies from Martinique must have been unrecorded. The growing tendency on the part of the Committee to let Bingham pay the bills was irritating and at times embarrassing. The Committee had originally adopted the plan of sending American produce to Martinique for Bingham to sell and use the proceeds for supplies he was to send, according to the authority given them by Congress. Within six months of his arrival, Bingham showed the Committee that there was due him over 200,000 livres "which I am now beginning to be pressed for, & which I hope from your speedy Remittances I shall soon be enabled to discharge, otherwise my credit in a commercial Capacity will be entirely ruined, for this place is noted for its punctuality in dealing."

Silas Deane seems to have anticipated some of Bingham's difficulties. As early as October, 1776, when he notified the new Agent that "200 tons of a necessary article" had been sent to Martinique, Deane suggested that he advise "the Congress of your having received it & the methods you are taking to ship it to them, praying them to remit you the amount of the freight, as you must make friends in Martinique for advancing the same."

Robert Morris likewise realized Bingham's situation and did his best to send him remittances "both on public & private Accts." In the spring of 1777 he notified Bingham that the Independance, Hornet and Lewis had left with valuable cargoes for Martinique. If they arrived safely, the proceeds from their cargoes should relieve him as he had not been called upon recently to "make any Fresh Imbarkations on Acct of the Continent." This may have temporarily helped Bingham, but in January, 1778, we find him protesting again. Bingham now sought permission to draw on the Paris Commissioners for the debts of Congress contracted in Martinique. He wrote to the Committee, "My sinking credit & embarrassed Situation have become a Subject of Mirth in all the W India Gazettes, & are Circumstances which in

42 Ibid., Bingham to the Secret Com., January 17, 1777.
43 * Amer. Archs., 4 ser., VI. 1674.
45 Wharton, op. cit., II. 182–83, Silas Deane to Bingham, October 25, 1776.
46 Morris to Bingham, February 12, 1777, H. S. P.
47 Morris to Bingham, April 25, 1777, New York Historical Society.
this place, tend greatly to derogate from the respect, due to the appointment with which you have been pleased to honor me."48 Two weeks later he wrote again:49

I have so often done myself the honor of Writing to You in regard to my embarrassed Situation . . . that I should altogether decline the Subject if I was convinced my Letters had ever arrived; this I cannot be confident of as I have not had the honor of receiving any of your Dispatches for near a twelve Month past— However the Duty I owe to my own Feelings & my Regard for your Interest still urge me to make another Effort to procure Remittances & save the sinking Credit of Congress in this place.

These protests finally had some effect. On April 16, 1778, Congress passed a resolution permitting him to draw on the Paris Commissioners "for any sums not exceeding in the whole 100,000 livres tournois, to enable him to discharge debts by him contracted on account" of the States.50 The Commissioners were duly informed of this action by James Lovell for the Committee of Foreign Affairs, successor to the Committee of Secret Correspondence,51 and at the same time were told tactfully to write home oftener as "an uncommon fatality" had attended their dispatches since May, 1777.52

Nor had Bingham heard from the Paris Commissioners in many months. On March 5, 1778, he informed them that he had heard nothing from them "since the arrival of Doctor Franklin" over a year before, despite the fact that "the Intercourse betwixt this Island & the different Parts of Europe is well known to be constant & regular." This lack of information made it embarrassing for Bingham in his dealings with the General of Martinique. The latter could not but think it strange that Bingham never had any information to share with him, and might become suspicious of the Agent's good faith. Likewise Congress would be disturbed at receiving no news from him about the Commissioners, for his instructions plainly showed that he was expected to relay American news to them in France and their news back to America.53

By his own statement, then, Bingham had had no official news for

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50 Jour. of Cong., II. 514.
52 Ibid., VIII. No. 150, Bingham to the Commissioners, March 5, 1778.
at least a year either from France or from America. At the same time he had supplied Congress with most of its information regarding the Commissioners in France. This he had secured through the General, who was kept well informed from France. It was little to be wondered at that Bingham was becoming both disturbed and annoyed.

On the same day that he had written to the Commissioners, Lovell sent a dispatch to Bingham expressing regret that Congress had failed to keep him supplied with funds. Plenty of tobacco, which could be disposed of at a great profit in Martinique, was ready to be shipped to him to sell and credit to the account of the United States, but it was impossible to get it by British ships blockading the coast. Therefore, Congress had resolved to let him draw on the Paris Commissioners to the extent of 100,000 livres tournois. Lovell wished the sum might be larger, but Congress did not dare draw too heavily on the Commissioners when so little was known of their ability to pay. After advising Bingham that John Adams was on his way to Europe, Lovell added, "It seems needless to desire you to give us early notice of that & other foreign intelligence. Your usual punctuality needed not the spur of the information which I have given you of our present great ignorance of the situation & transactions of the gentlemen at Paris."

Although mishaps at sea and interception of dispatches partially accounted for the lack of news, Congress was undoubtedly slack. As early as December 16, 1776, Robert Morris warned Congress of its folly. "You have enclosed the letters from Mr. Bingham and Mr. Deane; the latter complaining, as I have long expected he would, for want of advices and remittances." It was not long before Bingham added his complaints to Deane's, and Morris further rebuked Congress by adding, "In short, if the Congress mean to succeed in this contest, they must pay good executive men to do their business as it ought to be ... and unless you ... keep the Commissioners abroad constantly informed of what is passing here, you never will have that consequence, nor your agents that dignity they ought to have." But Congress had not profited by his advice.

There were two orders in Bingham's instructions which enabled him to save his own credit as well as that of Congress by using his own

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*Burnett, op. cit., IV, passim.*
*Wharton, op. cit., II. 553-54, April 16, 1778.*
*Burnett, op. cit., II. 178, Morris to the Com. of Sec. Cor.*
private means to pay the bills. He had been told to pose as a private individual residing in the islands for the sole purpose of engaging in commerce. Although from the beginning he was known to be the Commercial Agent of Congress, this gave him the right to engage in any private business he cared to. Throughout his life he seems to have had an uncanny ability to choose ventures which would be profitable to him, and he was remarkably successful during his residence in Martinique.

Judging by the wealth which Bingham possessed on his return from Martinique, his private operations must have been extensive. The available records showing precisely what he did are few, unfortunately. But from them some idea of his activities can be gained. A book of invoices of an Alexandria firm, known as Hooe Stone & Co. until 1773, as Jenifer & Hooe from 1773 to 1778, and as Hooe & Harrison thereafter, shows that on his own account Bingham shipped them such items as hardware and cutlery of all kinds, nails, shoes, stockings, sacking, ink, mirrors, cotton and wool cards, soap, medicines, Bohea tea, sugar, coffee and broadcloth; in partnership with Richard Harrison, he sent cargoes of salt, gunpowder, molasses and rum; and for Willing, Morris & Co. of Philadelphia, for whom he seems to have acted as both agent and partner, he generally sent such articles as sheeting, linen, handkerchiefs, broadcloth and molasses.

Whether Bingham and Harrison were acquainted before their residence in Martinique, the Congressional Agent and the Agent of Maryland and Virginia would certainly have met soon after Bingham's arrival. Their relations were of the friendliest, and when Harrison left for Europe in 1779, Bingham gave him a letter to Franklin, referring to him as "a Gentleman who was employed in this Place in the public Character of Agent for the States of Virginia & Maryland, & who has rendered his Country some essential Services by his Exer-
tions in that Line.... You cannot procure more full & candid Information of the Situation of Affairs in America than what this Gentleman can furnish you with."

Bingham was well known to Willing, Morris & Co. before his de-

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57 Hooe Stone & Co. Invoices, 1770–1784, N. Y. P. L.
58 Ibid.; Morris to Bingham, February 10, 1779, H. S. P.
59 Wharton, op. cit., II. 256, February 1, 1777; Misc. Papers (NYPL) Richard Harrison.
60 Franklin Papers (APS) XIV. No. 163, June 8, 1779.
parture for Martinique, Robert Morris being the most influential member of the Committee of Secret Correspondence. There is some correspondence between them which adds a little to the information in the invoices of the Alexandria firm. Whenever possible shiploads of indigo, flour, and tobacco were sent to Bingham and he returned molasses with a little rum, coffee, and sugar. Prices were such in America that Morris wrote Bingham that a shipload of molasses would “make a Ministerial Fortune,” and he hoped “that the Brig Cornelia & Molly shou’d bring back the Molasses ordered by the Owners as well as the other things. I long to see her & the Ship Betsey return as my design is for them to Visit you again.”

Jenifer & Hooe was only one of several firms in whose care Bingham and the other merchants in the French West Indies shipped their goods. There is evidence that Bingham had agents in North and South Carolina, Massachusetts, Connecticut, Rhode Island, and France. Jenifer & Hooe’s invoices show the type of goods traded in between the continent and the islands. Of the consignments made by them during these years to various merchants in Martinique, tobacco formed the greater part. Shipments of it went to Martinique monthly or oftener. If vessels loaded with produce and sent by private houses were able to get through the British blockade during the years 1776–1778, it is little wonder that Bingham could not understand why the Committee did not send him vessels in the same way. While this busy trade was being carried on, it was, for the benefit of the British, officially denied in Paris as late as March 25, 1777, that any foreigner had the right to trade in the French islands.

The second item in his instructions which enabled Bingham to save his own credit and that of Congress was the order to encourage private adventurers. Privateering commissions had been issued on the continent before Bingham left for Martinique. Privateers operating in West Indian waters ran a great risk from British ships there, but the chance of gain was proportionally great. Friendly French ports offered the added advantage of a frequently necessary haven for a har-

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62 Bingham to Willing, Morris & Co., August 10, 1777, Lib. Cong.; James Warren to Bingham, October 7, 1779, and Jonathan Williams to Bingham, November 10, 1781, H. S. P.
63 Stevens, op. cit., XV. No. 1495, de Sartines to Vergennes.

Vol. LXI.—5
rassed or disabled privateer. Early in the war Bingham and Richard Harrison were jointly financing certain privateers, and as the war progressed his partners in such enterprises included Robert Morris, George Ord, Samuel Inglis, and Thomas Willing.  

How many ships were fitted out as privateers under Bingham and how many privateers stopping at Martinique were supplied with necessities by him, it is impossible to say. But Lord Stormont’s report of a conversation he had with Vergennes indicates that they were numerous. “I assured him that at Martinico in particular,” wrote the British minister, “the Privateers of the Rebels, had been furnished with everything they wanted ... with as much willingness, and alacrity, as if they had been Subjects of France.” Friendly though the Martinique officials were, Bingham was an able go-between.

Occasionally one of the committees of Congress would send a vessel down to Bingham with a load of American produce and instructions to send it on a cruise among the islands before returning to the continent. Annoying incidents sometimes resulted from the carelessness of privateers, which made it necessary for Bingham and the agents of the state concerned to correct the outrage by giving their bond for the payment of seized property. When the state which had issued the commission was unable to pay and requested Congress to relieve the agents, often it was neither the state nor any part of the government of the United States which took over the debt. It was the firm of Willing, Morris & Co. The American Commissioners in Paris reported about this time that the damage done to the British West Indian trade had caused the insurance rates for vessels sailing there to go up to a point higher than at any time during the Seven Years War.

Although Bingham had been instructed to encourage private adventurers, and Congress had decided to issue privateering commissions early in 1776, Robert Morris was publicly opposed to privateer-

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64 Franklin Papers (H. S. P.), Misc. Minister to France 1776-81, II. 22, John Welsh to Franklin, October 20, 1777; Papers of the Cont. Cong. (Lib. Cong.), No. 196, III. 3: VI. 94: IX. 113: XIII. 16; Wharton, op. cit., V. 178-79.
65 Stevens, op. cit., XIV. No. 1392, to Lord Weymouth, December 18, 1776.
67 ——— to Morris, February 8, 1777, NYPL; Wharton, op. cit., II. 256, Com. of Sec. Cor. to Bingham, February 1, 1777; Bingham to Willing, Morris & Co., August 10, 1777, Lib. Cong.
68 Wharton, op. cit., II. 262-63, February 6, 1777.
ing until well into 1777. As a private individual, however, he seems to have approved and was in the business with Bingham before the close of 1776. Late in that year he wrote to Bingham, "This will be delivered to you by Capt. George Ord whom I recommend to you as a worthy, Honest, deserving Man & for whom I have obtained a Commission for [from] the Congress for a Privateer. You may depend on his good Conduct & Bravery, & I hope you will procure a good vessel . . . for him." Nearly five months later Morris wrote to him again: "My Scruples about Privateering are all done away . . . I join you in thinking it a Duty to oppose & distress so Merciless an Enemy in every shape we can therefore it Matters not who knows my Concern with Ord as I am now ready to encrease the Number of my Engagements in that Way." If Ord kept on as he seems to have begun, the profits must have been immense. A report reached Morris in Philadelphia "that Ord in Company with the Rattlesnake had taken & Sent into Martinico Nine Sail of Transport Ships two Guinea Men & two sail of transports into St. Eustatia if this be true & it seems well authenticated we shall make a fine hand of it." The value of privateering to the American cause was pointed out by Franklin and Deane in a letter to the Committee for Foreign Affairs, May 26, 1777. According to news they had from England, it had resulted in the ruin of many of the British West India houses and caused a considerable decline in the revenues of Great Britain.

Lord Stormont's complaints continued:

What they [the French] have hitherto only attempted in Europe, they have executed in the West Indies, and that in such a manner, as calls loudly for Redress. There is one Bingham an Agent from the Rebels who resides at Martinico, and who gives Commissions to Ships fitted out there, which are manned by French Men and have at most one American on board; if these Ships meet with any trading Vessel of ours, they take her, and carry her into Some one of their [the French] Islands, where the Ship and Cargo are sold: if on the contrary they are boarded by any of our Cruizers, the Men all speak French and shew their French Papers.

Although Stormont was able to get little satisfaction out of Vergennes, the French government did make a conciliatory gesture. They transferred to the island of St. Domingo the Count d'Argout, who as Gen-

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Gratz Coll. (H. S. P.) December 4, 1776.

Morris to Bingham, April 25, 1777, NYHS.

Ibid.

Wharton, op. cit., II. 325.

Stevens, op. cit., XVI. No. 1548, Lord Stormont to Lord Weymouth, June 11, 1777.
eral of Martinique had been too openly friendly to the American cause, and replaced him with the Marquis de Bouillé. The Committee for Foreign Affairs had also appreciated the Count d'Argout's value to the American cause. Bingham was instructed to mention this to him and to express the hope of the Committee to his successor that the "Harmony and exchange of good offices which have hitherto subsisted uninterruptedly between the government of Martinique and the United States of America" would continue.

There is nothing to indicate that any difficulties ever arose between the retiring General and Bingham. D'Argout's wishes seem to have coincided perfectly with those of the Americans, and this had undoubtedly contributed largely to the success of Bingham's first year. Martinique was about as good a place as any from which to send out privateers: it was conveniently close to the rich British islands and their trade, and was at an equally convenient distance from Paris, the center of complaints and restraint. The constant irritation of having to deal with privateers which they knew to be American, but which seemed to be French, might provoke the English into committing some act which would compel France to declare war openly. This was what the American Commissioners in Paris were trying to bring about and Bingham was in the strategic place to do it.

The attitude of the new General was an unknown quantity. Some of the French ministers professed to doubt most of the reports brought to them by Lord Stormont, but when it was shown that the "sale of English prizes takes place publicly" in the French islands, there was nothing for the ministry to do but to rebuke the people of Martinique and to send an order forbidding the sale of the prizes in the islands. And when the Marquis de Bouillé announced on his arrival in Martinique that France had agreed to England's right to search French vessels from the West Indies and to seize the produce of the American continent found upon them, it looked as though the American

74 Ibid., XVI. No. 1551, Lord Stormont to Lord Weymouth, June 18, 1777.
77 Stevens, op. cit., XVI. No. 1553, Vergennes to de Noailles, June 22, 1777, and No. 1555, de Sartine to Vergennes, June 22, 1777.
efforts to provoke the war by forcing events in the West Indies had failed.\textsuperscript{78}

Vergennes was careful to inform Lord Stormont of all the reforms which were being carried out by de Bouillé, who was, he said, more reliable than d'Argout and less likely to follow an anti-British course. But Lord Stormont was not deceived. He knew that de Bouillé had already had long conferences with Bingham, which, he warned Vergennes, augured ill for the hoped-for better Anglo-French relations in the West Indies.\textsuperscript{79} Meanwhile Bingham was reporting to Congress certain activities in both the French and Spanish islands pointing toward preparation for war.\textsuperscript{80} About the same time the British learned of these activities, and that France was still giving protection to American privateers by permitting them to enter any French port on the flimsiest pretext.\textsuperscript{81}

Early in the autumn of 1777, Bingham was able to report to the Committee that\textsuperscript{82}

the General has received Orders to put everything in readiness for War. . . . Altho the General hourly expects the Declaration of War, I cannot imagine the Minister will think it prudent to declare it, until he has dispatched the Troops destined for this Place. . . . The Restitution of the Ship Seine & her Cargo is loudly demanded by the Court of Versailles. . . . England cannot restore her without Showing in an excessive degree, her Weakness, & France cannot relinquish her Claim, & preserve her Dignity; as, whatever might have been the real destination of this Vessel, the General dispatched her, as by Order, & on Acct of his Majesty, as a Store Ship to serve the Garrisons at Miquelon. . . . Authentic Advices mention that the King of Prussia has opened his Ports to the Americans.

And Congress was glad to hear such good news.\textsuperscript{83}

The next few months were busy ones for Bingham and de Bouillé. The General had received an order to place an embargo on all shipping bound for Europe, which made them both suspect that the open break between France and England was about to occur. But the em-
bargo was soon lifted and on November 14, 1777, Bingham was able once more to send American and West Indian news to the Commissioners in Paris. On that date he sent them the distressing news of the report of the fall of Philadelphia, but just two weeks later he was able to announce the surrender of Burgoyne at Saratoga, when he wrote

What Effect this important Intelligence may have on the Politics of Europe is impossible to foretell; I hope at least that the Court of France may be influenced by it to take a more decisive Part in our Favor; for I observe, that the Orders of the Ministry in regard to American Privateers & their Prizes, & the Restriction of American Trade, have been lately notified to the Chamber of Commerce here, & their Execution exacted under great Pains & Penalties—nevertheless, from the present Appearance of Affairs, I cannot believe they will be enforced with any Degree of Rigor. I am inclined to think that it is only a political Stroke, intended to appease the Minds of the English, until the Nation is fully prepared to assume a higher & more imposing Tone.

The arrival from France of a supply of troops three times as large as was necessary for the defence of Martinique supported Bingham's hope that France was preparing for war, and the ease with which he had been able to "elude & evade" recent French orders against the disposal of American prizes in French ports, the fitting out of American privateers in French ports, and the sending of ammunition to America from French ports shows that he was right in considering them mere gestures. Not only did the General permit Bingham to send ammunition from Martinique, but he even went so far as to give the ships carrying it the protection of a French warship until they were clear of the islands, and made American prizes and privateers quite as welcome as they ever had been. When, however, the Intendant of Martinique hinted to Bingham that prize goods should pay the regular one per cent. duty required of other imported goods, he immediately agreed, for this would be an added inducement for the government to admit all prizes and would give them the appearance of a regular entry, which in turn would annoy England.

84 Franklin Papers (APS) VII. No. 105.
85 Ibid., VII. No. 106.
It is no wonder that Lord Stormont continued his protests. After objecting to certain European activities of the French, he informed Vergennes that "they were far short of what passed at Martinico." When Vergennes saw the British Minister's list of the privateers fitted out at the offending island, "he exclaimed, why this is a Fleet!" and could not reconcile it with the report he had had from de Bouillé. The complaints reaching Lord Stormont had come from British officials in the West Indies. Bingham had reported home that "every W India Gazette abounds in abuse & invective" against the General of Martinique. But Vergennes unblushingly told Stormont that all the reports from de Bouillé stated that he was on the best of terms with British officials in the neighboring islands. Vergennes had made no impression on Stormont. He was convinced that "Martinico is making war against Great Britain" and Vergennes had not denied it but had evaded answering. Stormont had reached the same conclusion that Bingham had: France was stalling for time to fortify her West Indian islands before declaring war on England. "The Great Force now collected in the French Islands . . . . The Ships which the Spaniards have already assembled at the Havannah" could mean only one thing. Stormont and Bingham were right, for about six weeks later the Franco-American treaties were signed in Paris and were sent off to America for the approval of Congress. With the signing of the treaties of commerce and alliance, there was less necessity for an American representative in Martinique than before. Bingham realized this and sought permission to return to America almost as soon as he knew the treaties had been signed.

Nearly three months elapsed between the signing of the treaties and the reception of the news in America and Martinique. A letter from Bingham to Congress, and one from the Committee for Foreign Affairs to him, each containing the news, should have crossed at sea. Bingham got his news from a Dominican gazette, which he forwarded to Congress on May 10, 1778. The Committee had received word from the Commissioners on May 2, Congress had ratified the treaties on

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* Stevens, *op. cit.*, XX. No. 1766.
* Ibid., XX. No. 1809*, Lord Stormont to Lord Weymouth, December 28, 1777.
* Papers of the Cont. Cong. (Lib. Cong.) No. 78, II. 481.
May 4, and their letter had been sent to Bingham on May 14. But it never reached him, nor did any word come to him from the Paris Commissioners. Aside from the original news in the gazette, all he knew about the treaties for some time was acquired from the Marquis de Bouillé, who had received dispatches from Paris. Bingham’s previous letters to the Commissioners apparently had made no impression on them. There was nothing for him to do but remind them again that they might keep him posted. If the commercial treaty was to have any effect whatever on the trade between France and the United States, he told them,

I humbly think that I should be made acquainted with its Contents, that I might act in Conformity thereto, & as far as my Small Influence will reach, cooperate accordingly—As Agent for the United States of America in the West Indies, every Circumstance that regards the Country that I represent, & that forms a Subject of Controversy, immediately falls under my Notice & Attention;—but how shall I govern myself with any Degree of Prudence or Precision, or according to the Terms that the Treaty prescribes, when I am entirely ignorant of what it contains.

A month later in reporting the circumstances of a certain prize case at Martinique, he wrote to the Committee, “I should be happy to know whether the Treaty has any Reference to the Line of Conduct to be observed in parallel Cases.” This was just five months after the treaties had been signed in Paris. The next winter, however, the situation in Martinique was reversed. Bingham had received the information he sought, but the French government had failed to keep de Bouillé properly informed after once notifying him of the signing of the treaties. As several articles operating to the advantage of American commerce were not being enforced at Martinique because of the inadequacy of the General’s information, Bingham requested the Commissioners to persuade the French ministry to send the necessary orders to the General.

There is no doubt that Bingham wanted Congress to pay up its debts in Martinique, for its own reputation as well as for his. When he was told that it was difficult to get produce through the British blockade, he made the futile suggestion to the Committee that the American owners of funds in the West Indies arising from the sales of prizes

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84 Cont. Cong. Miscy. (Lib. Cong.) CIV.
85 Franklin Papers (APS) X. No. 38, June 16, 1778.
86 Papers of the Cont. Cong. (Lib. Cong.) No. 78, II. 503-06, July 6, 1778.
87 Franklin Papers (APS) XIII. No. 85, February 6, 1779, and No. 1602, March 5, 1779.
brought into French ports be persuaded to turn those funds over to the
government in return for some other compensation at home.\footnote{Cont. Cong. Miscy. (Lib. Cong.) CIV, to Commercial Com., September 28, 1778.} When a vessel sent by the government did get through to him, it was apt to be loaded with something which could not be disposed of in the West Indies. Sometimes, however, Bingham could send it on to France where, if it were not captured on the way, it would bring a good price. He reported one such instance in the summer of 1778, and urged the Committee to send flour in the future, as that would be scarce during the war and would bring a quicker and more certain profit than other commodities. The recent capture of Dominica by the French would not only increase the market for provisions, but would lessen the risk of vessels coming from America as that island had supplied most of the privateers which had disturbed the American trade.\footnote{Ibid., Bingham to the Commercial Com., July 17, and September 16, 1778.}

While Bingham was pleading with the Committee to pay some of its debts to him, the Commissioners in Paris were protesting at the number of drafts being made upon them, which would reduce them to bankruptcy if Congress were not careful.\footnote{Wharton, \textit{op. cit.}, II. 653, Franklin to Pres. of Cong., July 20, 1778, and 660, Franklin to Lovell, July 22, 1778.} Further bad news was in store for Congress after the French and English fleets in the West Indies went into action in December, 1778, for D'Estaing made an error in judgment which ended disastrously for the French.\footnote{Franklin Papers (APS) XIII. No. 16, Bingham to the Commissioners, January 5, 1779; \textit{Jour. of Cong.}, XIII. 147, February 4, 1779.} On top of this, Gérard, the French Minister in America, requested that supplies be sent to the West Indies to take care of the greatly increased forces there,\footnote{Wharton, \textit{op. cit.}, III. 38, Gérard to Pres. of Cong., February 3, 1779.} and word came from Bingham that the General of Martinique had applied to him for provisions for the troops and fleet. Congress sent a gloomy reply: New England and the middle states had been able to raise no more than enough to satisfy their own and the army's demands, the Maryland, Virginia, and North Carolina wheat crops had been injured by pests, but rice and some other provisions might be had from South Carolina and Georgia if the ships could get through the British blockade.\footnote{\textit{Jour. of Cong.}, XIII. 153.} Some supplies must have succeeded in reaching the island, for just about a year later,
when Bingham asked the General and Intendant of Martinique for assistance in repairing a disabled Continental frigate, he reminded them that the French islands and D’Estai ng’s fleet had been supplied with food at the request of the French minister Gérard.104

Early in February, 1779, an incident occurred which greatly annoyed Bingham. This was the arrival of the Continental armed brigantine General Gates, Captain Waters, to careen and refit, and of word that other Continental vessels might be expected soon for the same purpose. Bingham was expected to pay the bill. Just before the General Gates arrived, Bingham had sent the Commercial Committee a copy of his account current showing that there was due him over 247,000 livres. To explain his request for payment Bingham wrote, “I shall only mention that as most kind of Business is now carried on with ready Money only, I find it almost impossible to preserve my Credit by fulfilling my Engagements.”105 This amount due Bingham was largely for expenditures he had had to make for the Navy Board “in Disbursements on Continental Vessels, in Hospital Expenses, for Board & Attendance of American Seamen, & for the Cloathing & Maintenance of” various stranded seamen.106

Within a few days after the arrival of the General Gates, the Deane, Captain Nicholson, appeared for the same purpose. But in addition there was on board her “a considerable number of Prisoners, the Maintenance of whom at this time of Scarcity & Distress amounts to extravagant Sums,” Bingham indignantly informed James Lovell.107 As the captains of these vessels had been instructed by the Navy Board to go to Bingham for what they might need, he had to raise the money. Instead of addressing any one of the several committees that might have been able to aid him, Bingham approached James Lovell, the chairman of the Committee for Foreign Affairs, who had been more regular and friendly in his letters than had any other individual in the government. Bingham hoped that this time his protest would not be ignored, but he was unable to wait for Lovell’s reply. On March 3, 1779, he wrote to the Paris Commissioners, describing the situation, and saying that he must either draw on them

104 Bingham Memorial in the case of the Confederacy, February, 1780, Lib. Cong.
107 Ibid., No. 90, I. 55–58, Bingham to Lovell, February 17, 1779.
for the necessary amount or refuse the two ships their supplies. Unfortunately, he had no instructions as to what to do, but the captains of the two ships had explicit orders from the Navy Board to go to him for money and he was compelled to consider this as official.108

Bingham waited as long as possible before meeting the demands of the captains of the vessels. On March 20, Nicholson of the Deane informed him that Congress had adopted a resolution that the officers of the navy, when in foreign ports where there was an American Agent, should be paid “in solid Coin the Amount of their Pay, within a Month of the Time of their Demand,” that for his officers amounting to 20,000 livres. “Your Refusal,” he rebuked Bingham, “has already created the greatest Discontent in my Corps of Officers which I am afraid will ripen into a Disgust for the Service.”109 Nicholson was only following the instructions he had received from the Navy Board in Boston the previous December.110 So Bingham secured itemized accounts of the expenses of the two ships while at Martinique, signed by the captains, amounting to 80,280 livres for the Deane and 10,455 for the General Gates.111 Enclosing these accounts in a letter to the Marine Committee, Bingham informed them that unless he were permitted to draw on the Paris Commissioners, he could not meet these and other demands. Credit was very difficult to obtain in Martinique as trade had declined since the declaration of war, resulting in a scarcity of provisions, which in turn made Martinique a poor place of supply for Continental vessels. “As the state of my Health will not permit me to continue here any length of Time, I should be happy to receive an Answer to the Contents of this Letter, to know what Dependence I may place upon receiving Remittances, to do honor to the Engagements I have entered into on public account.”112

The Marine Committee forwarded these dispatches to the Navy Board at Boston, on whose authority Nicholson had made his demands. The Marine Committee deemed the accounts “very extravagant,” and wished the Navy Board to designate whatever items it thought superfluous to be charged to the accounts of the commanders and deducted from their pay.113 This meant still further delay for

108 Franklin Papers (APS) XIII. No. 160.
110 Ibid., No. 90, I. 75.
111 Ibid., No. 90, I. 67–71, 73–74.
112 Ibid., No. 90, I. 59–66, Bingham to Marine Com., March 27, 1779.
Bingham and before he was able to get any satisfaction from either the United States or the Commissioners, he paid the bills for the two ships by borrowing 100,000 livres tournois from the government of Martinique on the understanding that the notes would be sent to France for payment by the Commissioners. He informed the Committee for Foreign Affairs of what he had done in April.\footnote{Papers of the Cont. Cong. (Lib. Cong.) No. 90, I. 77–86, April 13, 1779.}

As soon as Franklin heard that Bingham's bills of exchange were on the way, he wrote to the Committee for Foreign Affairs that he would “be obliged to protest” them.\footnote{Wharton, op. cit., III, 193, May 26, 1779.} But no inkling of this was ever given to Bingham. It was not until October 9, when the Intendant of Martinique asked him for his promissory note for the 100,000 livres tournois and returned the bills of exchange drawn on the Treasurer in France, that Bingham knew that the Commissioners had refused to honor his drafts. He immediately wrote to the Committee an account of what had happened and urged them to pay their debt to him any way they cared to, but at least to pay it. “I am unhappy,” he added, “to find that I am deprived of any Answers to the Numerous Letters I have done myself the honor of writing you.”\footnote{Cont. Cong. Miscy. (Lib. Cong.) CIV, October 9, 1779. The promissory note was for “150,000 livres argent des Isles,” see Gratz Coll., H. S. P.} His note had to be paid in six months, and was, he reminded the Committee, only a part of what they owed him for his advances on the public service and for which he had had to borrow a considerable sum at the “extravagant Interest of 10P%.”\footnote{Papers of the Cont. Cong. (Lib. Cong.) No. 90, I. 208–13, November 3, 1779.}

Several months later Franklin complained to the President of Congress,\footnote{Wharton, op. cit., III, 743, May 31, 1780.}

Mr. Bingham, too, complains of me for refusing some of his drafts as very hurtful to his credit, though he owns he had no orders from Congress to authorize those drafts. . . . But if every agent of Congress in different parts of the world is permitted to run in debt & draw upon me at pleasure to support his credit, under the idea of its being necessary to do so for the honor of Congress, the difficulty upon me would be too great, & I may in fine be obliged to protest the interest bills. I therefore beg that a stop be put to such irregular proceedings.

The time had come when Bingham wanted to leave Martinique. His instructions of June 3, 1776, provided for his stay there until he should be recalled. Soon after learning of the outbreak of hostilities
between France and England, he requested permission to return home.\(^{119}\) On January 12, 1779, James Lovell wrote to Bingham that "a large Committee of Congress is now considering the whole State of their foreign Affairs. I wish the Result may include a notice of your merits in an Arrangement more Suitable to your wishes than what a Continuance in your present Station seems to appear."\(^{120}\) But as he never heard of any action taken by Congress, Bingham assumed that silence meant consent, and so informed the Committee nearly a year after he had made his request. In this letter he gave a brief report of his political and commercial activities in behalf of Congress during his stay in Martinique, from which it is plain that he felt he had succeeded in doing all that the Committee of Secret Correspondence had expected of him, and financially had done more in using his private credit for the benefit of the United States. He referred to "the most urgent Reasons" for returning to Philadelphia, but did not list them beyond mentioning that "the State of my Health absolutely requires it."\(^{121}\)

Bingham had still received no reply to this letter when he heard that Franklin had refused to honor his drafts covering the cost of repairs to the General Gates and the Deane. As he was writing his protest against this treatment to Congress on November 3, 1779, another expensive job was on its way to him, although this was an accident. On October 26 the American frigate Confederacy left Philadelphia to carry John Jay and the French minister Gérard to Europe. Early in November the vessel was disabled off the Newfoundland banks, and it was decided that they should head for smoother seas and Martinique for repairs.\(^{122}\) The Confederacy arrived at St. Pierre on December 19, and the captain made an estimate of the cost of repairs. In discussing the payment of the bill with Bingham, Jay was astonished and disturbed to learn of the debt due him from Congress.\(^{123}\) Bingham took Jay to Fort Royal to see the French officials who were to give them assistance. From them Jay heard favorable reports of Bingham, which he promptly sent back to Congress:\(^{124}\)

\(^{119}\) Bingham to Com. for For. Aff., June 29, 1779, Lib. Cong.
\(^{120}\) Gratz Coll. (H. S. P.)
\(^{121}\) Bingham to Com. for For. Aff., June 29, 1779, Lib. Cong.
\(^{122}\) Wharton, op. cit., III. 436-45, Jay to Pres. of Cong., December 24, 1779.
\(^{123}\) Ibid., III. 436, December 22, 1779.
\(^{124}\) Ibid., III. 448-49, December 28, 1779; Frank Monaghan, John Jay (New York, 1935), 130.
Our agent here is in high estimation. I really believe, from every thing I hear, that he has done his duty faithfully, and that he well deserves the notice and approbation of Congress. This leads me to take the liberty of remarking that it would probably be much for the public interest if Congress were to pay off all private debts due from them to subjects of France, and have none but national engagements with that kingdom. The debts unavoidably contracted here for the outfit of the Deane, etc., ought certainly to be paid. Our credit and reputation suffer from such delay.

Whether it was Bingham or the Martinique officials who persuaded Jay to write in this strain to Congress, he does not say. Possibly the condition in which he found the officers and crew of the Confederacy made it easy for him to believe that Bingham had been imposed upon. Rather than have officers of the United States navy humiliated before the French because they were unable to provide themselves with the bare necessities of life, Jay planned to draw on his own salary for 100 guineas to be distributed among them, remarking that “it would have given me pleasure to have done something towards covering the nakedness of the crew; but the expense I have been put to by coming here and the preparations for another voyage would not admit of it.”

When Bingham discovered that Jay was about to do this out of his own salary, he “was so obliging as to offer to advance that sum on the credit of Congress, & thereby save me the necessity of drawing. I accepted his offer, & gave notice of it to the officers ... of the frigate.” Bingham was right. Why should not Congress pay the salaries of the officers and crew of its own ships? If Jay once began paying such things out of his own salary, Bingham knew that there would be no end to what he could do. It meant that Congress owed Bingham another hundred guineas, but as this was about 3,000 livres tournois it was a small item as compared with Congress’s whole debt to him of several hundred thousand livres tournois.

Jay and the other passengers of the Confederacy left Martinique on December 28 on board the French frigate Aurora. Their short stay had been of value to Bingham. Jay’s words of praise had borne out Bingham’s own more lengthy estimate of his work in Martinique

125 Wharton, op. cit., III. 446–47, Jay to Pres. of Cong., December 25, 1779.
126 Ibid., III. 450, Jay to Franklin, December 27, 1779.
127 Ibid., III. 510, Jay to Pres. of Cong., February 20, 1780.
128 “The value of a livre is nearly equal to 10½d Sterling. S. Deane ‘Card to Public,’ Pa. Packet, January 14, 1779, see “Deane Papers” New York H. S. Coll. (1888), III. 281. A livre tournois was about four-fifths the value of a livre, see Larousse.
129 Wharton, op. cit., III. 470, Jay to Franklin, January 26, 1780.
as described in his letter to Congress of June 29, 1779, and Jay had also urged Congress to pay its debt to Bingham.

The captain of the Confederacy wanted to return to America. The vessel was "exposed to [danger] from the Worms in the Bay of Fort Royal, Should She continue there much longer." The crew was disappearing through sickness and desertion, and the cost of lying idle was heavy. Bingham requested the authorities at Martinique to advance to him bills of exchange covering the cost of temporary repairs which would enable the vessel to return to America.\textsuperscript{130} Arrangements were made for the Confederacy to depart on March 30, 1780. Bingham had intended to return to America without waiting for permission from Congress. When business detained him through the winter, he decided to leave on the Confederacy, quite possibly before he had learned that Congress had consented to his return.\textsuperscript{131} The first week in March Congress had adopted the following resolution:\textsuperscript{132}

\textit{Resolved, That the board of Treasury be directed to deliver to the committee of commerce bills of exchange drawn on the honorable John Jay, Esq. minister plenipotentiary at the court of Spain, for a sum equal to £5,000 sterling, to be forwarded by the committee of commerce to Mr. Bingham, or delivered to his agent, Mr. John Benezet, in Philadelphia, to discharge in part the debt due from the United States to the said William Bingham. That, in consequence of the request of the said William Bingham, he have leave to return to Philadelphia.}

The accident to the Confederacy which brought Jay to Martinique and gave him the opportunity to write favorably to Congress of Bingham is the only explanation of the speed with which Congress undertook to attend to at least a part of the debt it owed him.

Before leaving the island, Bingham selected the American firm of Parsons Allston & Co., of St. Pierre, to act in his place in all matters of public business.\textsuperscript{133} He arrived in Philadelphia on the Confederacy on April 30, 1780.\textsuperscript{134} Although he mentioned his health as a reason for wanting to return to America, and it is possible that it may have been affected by nearly four years in the West Indies, there is no real

\textsuperscript{130} Bingham Memorial to Martinique government, Lib. Cong.
\textsuperscript{131} Papers of the Cont. Cong. (Lib. Cong.) No. 90, I. 232–33, Parsons, Allston & Co. to Com. for For. Aff., April 7, 1780.
\textsuperscript{132} Jour. of Cong., III. 439.
\textsuperscript{133} Cont. Cong. Miscy. (Lib. Cong.) CIV, Bingham to Parsons, Allston & Co., March 26, 1780.
\textsuperscript{134} Pa. Gaz., May 3, 1780.
evidence that it had been. Commercial interests, the hope of persuad-
ing Congress to pay what it owed him, and the suit of Cabot et al. vs. Bingham over the Pilgrim affair, are the most likely reasons why the spring of 1780 found him back in Philadelphia. Bingham's com-mercial activities in Martinique while France was still neutral had been profitable. But with the coming of war, French ports no longer offered protection for American ships and prizes, for British ships were now free to attack the French islands. Commerically, therefore, Bingham was in no more profitable position than if he were back in Philadel-
phia.

Bingham returned from Martinique a wealthy man. Indeed no one who was not could have been so large a creditor of Congress. The Congressional committees chiefly in his debt were the Committee for Foreign Affairs, formerly the Committee of Secret Correspondence, and the Navy Board. His request for payment of the debt due him was referred to a committee which recommended on September 22, 1780, that, as the settlement of his accounts would take some time and as the immediate payment of part was necessary to enable him to meet certain obligations made on behalf of the United States, he be advanced on account bills of exchange to the amount of £7,000 sterling on John Jay. Ten days later Congress carried out this recommendation by resolution. Nearly a year later the Commercial Committee reported to Congress the result of its investigation of Bingham's account. They found that there was due him 507,641 livres, Martinique currency, for commercial transactions made for the United States, and recommended that he be paid this amount plus an interest of six per cent. until the balance was completely paid. The items listed as salary and expenses, amounting to 110,324 livres, Martinique currency, the Commercial Committee felt incompetent to pass on and suggested that the Treasury Board perform that office. This being referred to George Clymer and James Lovell, the latter wrote to Robert Morris for help. There was nothing to guide their committee on the books of the Committee of Secret Correspondence except Bingham's instructions and a few isolated remarks. So

137 Jour. of Cong., III. 531, October 2, 1780.
Lovell requested Morris "to be at the Trouble of Recollecting & minuting down for our Use the Nature and Extent of the Encourage-
ment Given him by the Com of Secret Correspondence of which you
was at that Time the most laborious Member." But Morris, who
had recently taken over the duties of Superintendent of Finance, was
busy and seems not to have replied to Lovell’s letter, for Bingham
addressed him on the same subject about a month later, summarizing
the points on which his claims were based:

You may well remember that the Committee of Secret Correspondence en-
gaged the Payment of My Expences during my Absence, & left any further
Compensation for my Services, to be Settled at a future Day. These very Ex-
pences, (necessarily & indispensibly incurred) during a four Years Residence
in the West Indies, amounted to upwards of Liv. 161,000 Mque Currency.
The Account I presented to the Committee for Salary & Expences inclusive,
does not exceed Liv. 110,000. . . . a Scrupulous Attention to Motives of Delicacy
would not permit me to charge the whole of my Expences to the Account of the
Public, when some profitable private Business that I was engaged in, enabled
me to support a Part of them. But the Right of doing it was Still unquestioned.

As for my Commercial Transactions as Agent for the United States, if the
public Benefits resulting from them were taken into Consideration, I am cer-
tain, that So far from having a Deduction from my other Accounts hinted at,
by reason of private Advantages derived from my Agency, I should rather be
entitled to Compensation for extra & important Services—Immediately on my
Arrival in the West Indies, I risked my personal Credit to the Amount of Liv.
250,000 for Arms Ammunition & Cloathing, which by arriving at a crit-
ical Time, assisted in enabling our Army to keep the Field. . . . Ever since that
time, Congress has generally been indebted to me a much larger Sum, which, if
I had had the Use of, I might have efficiently converted to my own private Pur-
poses, So as to have derived ten times the Advantage that the Advances to Con-
gress will procure me. Even at this very Moment, I am obliged to draw on my
own private Funds to discharge the public Debts. . . . I should think myself
inexcusable in troubling you on the Subject, if you was not the only Person who
is thoroughly acquainted with it.

Morris conferred with Bingham after this and on September 7,
1781, wrote to Lovell, "I recollect perfectly well that it was . . . the
intention that the Committee of Secret Correspondence should pay
his expences, & the Secret Committee by employing him for Commer-
cial purposes and allowing the usual Commissions on their business
would afford a sufficient Compensation for his time &c." Bingham’s
expenses were considered high, but Morris defended him first by ac-
cepting his word that his actual expenses were really much more,
and second by telling Lovell that he was convinced that living in the West Indies was considerably more expensive than anyone had expected it would be. "It is very certain that the emoluments arising to Mr. Bingham from the Commercial business of Congress fell short of what was expected, and it is equally Certain that the inconvenience arising from his constant Advances . . . must far outballance the Commissions he drew."\(^\text{141}\)

But the Committee to which his case had been referred continued to delay, giving as excuses insufficient acquaintance with the nature of his transactions and the pressure of other business. Bingham thereupon sent a memorial to Congress in which he urged some action on the grounds that failure to pay at least a part of the £34,000 in specie still due him would injure the credit of the United States as well as his own. One-third of this amount would cover what he was pressed to pay, "the Remainder not demanding so immediate an Attention."\(^\text{142}\) But in November of 1781 this memorial was still on its way to the Superintendent of Finance.\(^\text{143}\)

It is no wonder that Bingham was anxious for a settlement. Morris could appreciate his wish even if Congress could not. He therefore did what he could by ordering M. Grand, an agent of his abroad, to arrange in France for credit to be given to Bingham to the amount of 100,000 livres as soon as Grand had on hand United States funds to cover that amount.\(^\text{144}\) Morris informed Franklin of this and remarked that Bingham was "greatly in advance for the United States & Justice requires that [his] Situation be alleviated,"\(^\text{145}\) and Franklin replied that he would be able to pay the draft in Bingham's favor.\(^\text{146}\) About three years before he had refused to honor Bingham's drafts for the same amount covering the repairs on the Deano and the General Gates.

A few days after Morris wrote to Grand and Franklin, and over a year and a half after Bingham had returned from Martinique, Congress acted on the report of the committee considering his affairs and adopted a resolution that his expense account of 110,324 livres be


\(^{142}\) Ibid., No. 41, I. 319 Memorials.

\(^{143}\) Ibid., No. 78, IV. 273, Bingham to Cong., November 17, 1781.

\(^{144}\) Wharton, op. cit., V. 36, December 3, 1781.


\(^{146}\) Wharton op. cit., V. 228, March 7, 1782.
paid with interest from the preceding June 14. That part of what was due him over and above these expenses and the advances which had been made him by Congress and Morris, was finally paid to him a short time before his departure for Europe in May, 1783.

Part of what had been paid him was a sum of 200,216 livres which the officials of Martinique had advanced to Bingham to cover outlays he had been called upon to make for Continental vessels stopping at the island. During his stay in Paris in 1785, the Marechal de Castries wanted to make arrangements with Bingham for the payment of this amount to the French treasury. Bingham on his part had gone to the Marquis de Bouillé, the General of Martinique who had made him the loan, to find out to whom he should account for what he had recovered from Congress for the French government, and had been directed to the Marechal de Castries who, together with the Intendant of the Revenues of the Marine, effected a settlement with Bingham.

The other reason why Bingham was anxious to return to the United States in 1780 was the suit which had been commenced against him —Cabot et al. vs. Bingham. On January 15, 1779, the privateer Pilgrim had brought into Martinique as a prize the ship Hope, both the ship and cargo being to all appearances neutral property. Bingham therefore took the matter out of the hands of the prize master, who had been put on board. As the vessel could not leave Martinique without repairs, and as her cargo of flour was both perishable and in demand in the islands, Bingham, acting on the orders of de Bouillé, sold it there, gave the captain enough to cover his expenses, and held the balance until Congress should decide who was the lawful owner of the vessel. Eight months later, Bingham learned that the owners

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148 Ibid., No. 78, IV. 537-40, Bingham to Cong., March 22, 1787.
149 Franklin Papers (ASP) XXXIII. No. 102, Marechal de Castries to Franklin, May 9, 1785.
151 A. J. Dallas, Reports of Cases ruled and adjudged in the Several Courts of the United States and of Pennsylvania, Held at the Seat of the Federal Government (1799), III. 19.
of the *Pilgrim* had brought suit against him for his action, and had attached his property in the hands of two of his agents—Thomas Russell of Massachusetts and William Erskine of Pennsylvania. William Tudor, counsel for Russell, advised Bingham to petition Congress to prohibit any other such acts on the part of the plaintiffs.\(^{153}\) Bingham promptly wrote to the Commercial Committee, his explanation being accompanied by an affidavit from de Bouillé that Bingham had acted on his orders, which were quite legal according to French law.\(^{154}\)

Although Congress suggested that the cause be transferred from Massachusetts to the Admiralty Court of Martinique, the Massachusetts legislature did not consider this a command, and decided that it would be a hardship on the owners to compel them to go to Martinique where the authorities might be inclined to favor Bingham.\(^{155}\) Tudor thereupon urged that Bingham petition Congress to request the Massachusetts legislature to dismiss the action against him, as this would compel "the owners ... to seek their remedy in the Courts at Martinique, or from an application to Congress."\(^{156}\)

Bingham set to work as soon as he returned to Philadelphia. He reviewed the case in a memorial to Congress, submitted on June 6, 1780.\(^{157}\) After listening to the opinion of the Committee for Foreign Affairs, Congress on June 20 adopted resolutions to the effect that the General of Martinique had done right in ordering the sale of the cargo of the *Hope* and the deposit of the proceeds in Bingham's hands until the legality of the seizure could be determined, that Bingham had only carried out his duty as Agent for the United States, that Congress would defray all of his expenses in connection with this and future suits on the *Pilgrim* affair, that the General Court of Massachusetts be requested to discharge Bingham's property from the attachment under which it was held, and that the Navy Board at Boston should in the name of the United States give any security the court

\(^{155}\) William Bingham Letter Book, 1791-1793 (H. S. P.) 596-604, Bingham to Christopher Gore, April 19, 1793.
\(^{156}\) Papers of the Cont. Cong. (Lib. Cong.) No. 90, I. 214-17, Wm. Tudor to John Benezet, January 14, 1780; Wm. Tudor to Bingham, January 17, 1780, H. S. P.
might require and direct the counsel defending Bingham.\textsuperscript{158} It would appear from this that the case was settled as far as Bingham was concerned and he apparently thought so.\textsuperscript{159}

Years later he was surprised to learn that the case was still going on. Thirteen years after Congress had assumed the responsibility, Bingham approached Alexander Hamilton to see if the matter could be settled through the Treasury or if it was necessary to bring it before Congress again. As a result of his request, the President referred the case to the Attorney General and instructed him to defend the suit.\textsuperscript{160} This was in 1793. Bingham sent copies of all the papers in his possession to Christopher Gore, the District Attorney for Massachusetts.\textsuperscript{161} From this time on the case went against Bingham. The owners of the Pilgrim induced the court to refuse to admit certain papers submitted by the counsel for the defense, upon which a decision was given ordering Bingham to pay approximately $30,000 damages.\textsuperscript{162} Bingham urged General Knox, his friend and partner in land speculations, to use his influence as a member of the Cabinet to get the thing settled.\textsuperscript{163} Bingham was only a formal defendant and not actually responsible for the damages, but he was now the owner of large tracts of land in Maine, and therefore was anxious to avoid any legal entanglements in Massachusetts.

Although the judgment was reversed in 1795, the Pilgrim owners again secured a decision against him in 1797 in spite of the efforts of John Davis who had succeeded Gore as District Attorney.\textsuperscript{164} Throughout the case, Bingham had consulted William Lewis, of Philadelphia,\textsuperscript{165} but it continued to be conducted by the government counsel and dragged on through several more years. In 1798 another

\textsuperscript{158} Jour. of Cong. III. 469; Papers of the Cont. Cong. (Lib. Cong.) No. 19, I. 347. 
\textsuperscript{159} Bingham Let. Bk. (H. S. F.) 468–70, Bingham to Alexander Hamilton, February 26, 1793. 
\textsuperscript{160} Ibid., 468–70, Bingham to Hamilton, February 26, 1793, and 412, Bingham to Judge Sullivan, April 8, 1793. 
\textsuperscript{161} Ibid., 596–604, Bingham to Gore, April 19, 1793. 
\textsuperscript{162} Dallas, \textit{op. cit.}, III. 19–42. 
\textsuperscript{163} General Henry Knox Papers (Massachusetts Historical Society, property of New Eng. Hist. and Gen. Soc.) XXXVI (2) Bingham to Knox, August 2, 1794. 
\textsuperscript{164} Dallas, \textit{op. cit.}, III. 19–42, 382–84; Knox Papers (MHS) XL (147) Knox to Bingham, June 23, 1797. 
\textsuperscript{165} Timothy Pickering Papers (MHS) VII. 172, Pickering to John Davis, September 12, 1797; VII. 362, Pickering to Davis, October 25, 1797.
judgment was given against Bingham, this time in a Court of Common Pleas at Newburyport for nearly $40,000 and costs. This judgment was obtained by default. Bingham never heard of the action until after the decision had been handed down, and he gave the District Attorney the benefit of the doubt by supposing that he too had not been informed. When General Knox suggested that possibly the Massachusetts lawyers thought they should have received more payment from Bingham, he replied that he had paid those he had employed, but had refrained from paying the District Attorney because he was a government official. "However," he wrote, "I shall take your Hint & remit Mr. Davis a handsome fee—entre nous," for it was plain that something must be done to counteract the admission "of false evidence on one Side, & a Singular Mismanagement of the Cause, on the other."

When the case was reopened in 1799, Pickering told Davis that

This case has been so often adjudicated it was hoped that Mr. Bingham & the U. States might have escaped further trouble. You have heretofore been informed that the U. States are ultimately responsible by virtue of resolution of the Congress under the Confederation.

Neither Pickering nor Bingham was particularly satisfied with the way the case was being conducted.

Just before leaving for an indefinite stay abroad in 1801, Bingham wrote an account of the whole affair to David Cobb, the agent in charge of his Maine lands. He was convinced that he had "little Chance of a fair Trial" in a court which was the center of the interests and influence of his opponents, and that the District Attorney and his colleagues had been lax and indifferent. But

Perhaps, it is imposing too great a Task on human Nature to Solicit the aid of professional Men to defend a Suit against those, with whom they are in habits of Intimacy & Friendship. I mention these Circumstances in Confidence, as I would not wish to wound the feelings of these Gentlemen—but I dread the Clamor, that will be made, when the Provision for the payment of this Money is to be made by Congress, after a Verdict & Judgment Shall have been obtained. Mr. Ames one of the counsel in a late Letter, mentions that after Judg-

160 William Bingham Letters (H. S. P.) Photostats Nos. 1, 2 and 3; Dallas, op. cit., III. 382-84; Knox Papers (MHS) XLII. 59 Bingham to Knox, March 25, 1799, and 76 Bingham to Knox, April 23, 1799.
161 Pickering Papers (MHS) X. 444, Pickering to John Davis, March 5, 1799.
162 Ibid., XXVI. 17, Bingham to Pickering, January 20, 1800; XIII, 113, Pickering to John Davis, January 23, 1800.
163 Bingham Letters (H. S. P.) Photostats Nos. 118-121, July 20, 1801.
ment, they may levy on my Lands in Maine & as his object was to create Ap-
prehensions, he immediately after proposes a Compromise to me which it is
impossible I can agree to, as without the Consent of Congress, I cannot Sur-
render the Trust committed to my Charge, however harrassed & persecuted
I may be on the Subject. Besides I am convinced that they can exhibit no Proof
of the Property being British, & liable to Condemnation. To remove any un-
favorable Impression which might arise from my being in Possession of this
Money, I solicited the Treasury to receive it but a Difficulty was Started by
the Comptroller whether the Treasury could receive any but public Monies.
By being acquainted with the leading Points of the Business, you will be able
to correct the infamous Misrepresentations which may have been made con-
cerning it, & for which I will thank you, when an opportunity offers.

Bingham left for England a few days later. On the following Feb-
ruary 2, 1802, the owners of the Pilgrim requested the Sheriff to
summon him to court at Ipswich on the second Tuesday of March, to
show cause why they should not collect the judgment of nearly
$40,000 damages and costs awarded them at Newburyport on Oc-
tober 2, 1798. This seems to be the end of the case, and Bingham ap-
parently had to pay. If the government carried out its intention to
pay as expressed in the resolution of June 20, 1780, the office of the
Attorney General has no record of it. Bingham naturally made
every effort to persuade the government to fulfill its promise.

After his arrival in Europe in 1801, he had discovered that the
owners of the Pilgrim had known since July, 1793, that the cargo of
the Hope was British property. He believed that "they had their rea-
sons for concealing" the information. And these reasons were, he was
sure, the hope that by dragging the case out in local courts they might
be able to make him personally responsible, in which case, should he
be unable to pay, they could attach his Maine lands and gain posses-
sion of some valuable tracts. If they had produced their evidence of
the ownership of the cargo when they discovered it in 1793, the case
would have been over and their claim settled by the United States.

This suit had been unpleasant and a nuisance for a long time, but
on the whole Bingham’s agency in the French West Indies had been
highly profitable and had provided him with a fortune which enabled
him to engage successfully in future enterprises.

New York City

MARGARET L. BROWN

170 Ibid., Nos. 1, 2 and 3.
171 Department of Justice, Washington, Karl W. Greene to M. Brown, May 21, 1936.
172 Misc. MS. (NYHS) Bingham to ————— February 5, 1802.