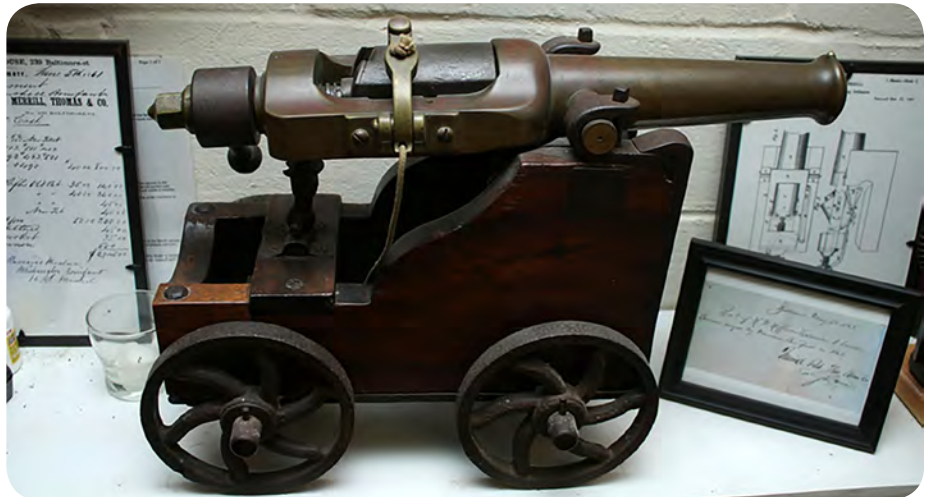




# JAMES H. MERRILL AND THE CANNON BY THE DOOR

RICHARD L. BERGLUND AND FRANK S. HARRINGTON



During the spring of 1861, the state of Maryland and the City of Baltimore were in turmoil. The election of Abraham Lincoln brought forth the secessionist movement in Baltimore that culminated in the April 19th riot caused by the passage of Union troops through the city of Baltimore.

There are considerable contemporary accounts of this volatile period of the city's history. Prominent citizens and members of the State Legislature were arrested and held without charges in the military prison at Fort McHenry. The owners of Baltimore newspapers with pro Southern leanings were arrested and their newspapers were closed. Baltimore became the first occupied city in the war. It was held by U.S. Army troops and the guns placed on Federal Hill by Benjamin Butler.

James H. Merrill was a prominent citizen of Baltimore. He was an inventor, a firearms manufacturer, and a business man. Merrill held a number of patents for improvements in breech loading small arms, artillery projectiles, and breech loading cannons. He had a shop at 239 West Baltimore Street and a manufacturing facility on the 4th and 5th floors of the Sun Iron Building.

Merrill had previous contracts with the U.S. Ordnance Department for the Merrill, Latrobe and Thomas carbine, and alteration of the Model 1841 Rifle, Model 1842 Musket, and 1847 Musketoon to the Merrill Breech Loading System. He altered 300 Jenks Carbines to breech loaders. He spent a year in Russia at the Sestroretsk Armory working on firearms development in the late 1850's.

Merrill had solicited the Ordnance Department in 1861 for a contract to provide the army with his New Model Patent Carbine. As the war drums sounded

many of the arms manufacturers, including Merrill, were actively selling arms to private individuals and militia groups.

This all changed on April 19, 1861 when the citizens of Baltimore clashed with the Sixth Massachusetts Infantry as they marched through the streets of Baltimore on the way to the President Street Railroad Station. The mob uprising injured and killed both soldiers and rioters and began a chain of events that brought Baltimore under martial law.



Figure 1 April 19, 1861, Baltimore Riot, the 6th Massachusetts attacked as they march to the President's Street Railroad Station, Currier & Ives lithograph

On June 5, 1861, by order of Secretary of War Cameron, U.S Marshal Washington Bonifant went to Merrill, Thomas & Co. and seized a number of Merrill's arms and a patent model cannon that stood near the door. On the same day, a large quantity of gun powder

der (60,000 pounds) was seized from Daniel J. Foley & Bro. under the same authority.

War Dept.  
 Washington June 11<sup>th</sup>  
 Recd Baltimore 4 1861  
 To Marshal Bonifant

Get possession of  
 the whole thirty five hundred ton  
 stop the factory & take all the work  
 they have done & the materials on  
 hand Dont fail to execute this  
 order instantly

Simon Cameron  
 Secy of War

I hereby certify that the above is  
 a true copy of the order sent me  
 by telegraph to stop the factory of  
 Merrill & Thomas, Smith Building  
 Washington Bonifant  
 M. S. Marshal

Figure 2 Secretary of War Cameron orders Marshal Bonifant to seize arms at the Merrill, Thomas establishment. <sup>1</sup>

The bill of sale listing the arms seized is located at the National Archives. It details the description, serial number, and value of the arms confiscated from Merrill's establishment by Marshal Bonifant. The guns were placed in care of Henry W. Hoffman, the Collector for the Port of Baltimore at the Baltimore Customs House.

WHOLESALE GUN WAREHOUSE, 239 Baltimore-st.  
 Baltimore, June 5<sup>th</sup> 1861

No. United States Government  
 for Marshall Bonifant.  
 Bought of MERRILL, THOMAS & CO.

TERMS Cash

20 Merrill's Carabines Cal 56 New Pat		
492 410 411 412 413 414 415 416 417 418 419 420		
421 422 423 424 425 426 427 428 429 430 431 432		
433 434 435 436 437 438 439 440 441 442 443 444		
445 446 447 448 449 450		\$4000 800 00
4 Merrills Sporting Rifles Old Pat	35 10	140 00
6 " Carabines " "	40 00	240 00
1 " Musket " "		45 00
1 " Carabine New Pat		40 00
4 " Rifles Cal 56 pro	50 10	200 00
1 " Musket US Altitud		45 00
1 " Minnie Musket		35 10
1 " Patent Cannon		50 00
		\$2045 00

Admin Duplicate Received this date  
 Washington Bonifant  
 M. S. Marshal

Figure 3 Bill of Sale listing arms seized from Merrill by Marshal Bonifant <sup>1</sup>

Why Secretary of War Cameron directed the seizure of the Merrill, Thomas arms is unknown. This action may have been precipitated by notices in the newspaper indicating that perhaps Merrill or his agents were providing arms to the South. The Baltimore Sun on April 21st noted that Merrill, Thomas distributed revolvers "to the officers of volunteers and the First Light Division." Additionally, a notice in The Richmond Dispatch read: "A number of Merrill's patent rifles, a destructive and much admired weapon, were this morning received from the manufactories of Merrill & Thomas, by the city authorities, for whom they were expressly manufactured."

Merrill, Thomas sought payment for the seized arms from the Ordnance Department. This proved to be a long and convoluted process.

On September 10th, General Ripley, Chief of Ordnance, wrote to the Secretary of War that Marshal Bonifant was not authorized to purchase arms and that the cost of the arms was too high. "As for the Patent Cannon the charge is too indefinite, it was not stated what kind of cannon it is, whether bronze, iron or steel nor what its' (sic) caliber or weight. It is therefore impossible to say whether price charged is fair or otherwise. This office has no other knowledge of the transaction than what is derived from the face of the bill."

Ripley received a reply from Thomas Scott, Assistant Paymaster, War Department on September 19th. Scott informed Ripley that the arms were in the Customs House in Baltimore and that Ripley should "send an Officer of your Department to examine - inspect and report upon them...." Ripley dispatched Capt. James G. Benton to Baltimore to examine the arms and report back to him.

Benton reported on the 23rd of September "that the 20 cavalry carbines appear new and of the breech loading principle be a good one. I have no doubt would be serviceable arms for cavalry. ... the price charged in the accompanying account, is too high. I think \$35 - sufficient.... the remaining arms charged for ... are unsuitable to the Military Service & the prices charged are too high. I would recommend that they be returned to the owners."

Benton explained further that "the Patent Cannon referred to is a small bronze piece about 15 inches long, with a bore, one inch, or an inch and half diameter, and mounted on a block of wood which rests on four wooden wheels. It is not of the slightest value for military purposes and should be returned to the owners, as it never can be used injuriously against the Government of the U. States."

On September 24, 1861, General Ripley forwarded the information obtained by Benton to the Secretary of War. He added that the 20 carbines were kept loaded in defense of the Custom House. Ripley "recommended that the articles be returned to the owners, and I think that the exorbitance of their charges against the U.S. Government merits a serious rebuke."

Ripley on October 1, 1861, notified Merrill, Thomas that the Secretary of War had approved the recommendation and that the materials should be returned to Merrill upon their application.<sup>2</sup>

The next communication found in the National Archives Records is from Merrill to General Ripley, on September 11, 1862. "We beg leave respectfully to call your attention to the invoice of guns taken by Marshal Bonifant nearly a year ago and put in the Custom amounting to \$2045, as we found an application there as directed in your favor of Oct 5 last that they had been put into service, we presume therefore there can be no difficulty in your passing the bill which we shall be greatly rejoiced to hear you have done. Your early reply will much oblige."

On September 22, 1862, Ripley responded that he had sent Merrill, Thomas instructions, as per the Secretary of War, and "You will perceive that the bill cannot be passed here as you requested."<sup>3</sup>

Merrill replied on September 23, 1862, "that we could have at once removed the unfavorable impression made upon your mind by the charge for the cannon by stating that we explained to Marshal Bonifant at the time that it was a model of a patent got up at a cost to us of =\$500= and could be of no service to the Government urging him to leave it behind as it could not do much damage being so small, he insisted however and we of course put it in the bill, and we have now only to add that we will gladly take it back and deduct the amount from the bill ... be good enough to inform us if the bill cannot be passed by you to whom we are to apply and oblige."

Ripley's reply on September 24, 1862 read, "With regard to your account I can only say that the action upon it heretofore communicated was final so far as regard this Department."

On September 26, 1862, Merrill wrote to Congressman Reverdy Johnson, requesting his assistance, to resolve this matter.

Peter Watson, Assistant Secretary of War, wrote Merrill on December 31, 1862 about the arms seized by Marshal Bonifant. "... a letter from the Chief of Ordnance to you is found, which the return of a cannon and certain other arms not adapted to the service is recommended, and the acceptance of the remainder of the arms and payment therefore at current prices is also recommended." He noted that there was no evidence in the papers that these actions had taken place. "Neither is there any evidence that any portion of the arms were received into the service of the United States. ... it is desirable that whatever explanations can be made should be made immediately. If one of your firm acquainted with the circumstances could call in person to bring whatever additional evidence ... it would hasten the disposal of the case."

Merrill obtained a document on January 7th, 1863, from Henry Hoffman the Customs Collector, certifying that the 20 carbines and one minie were

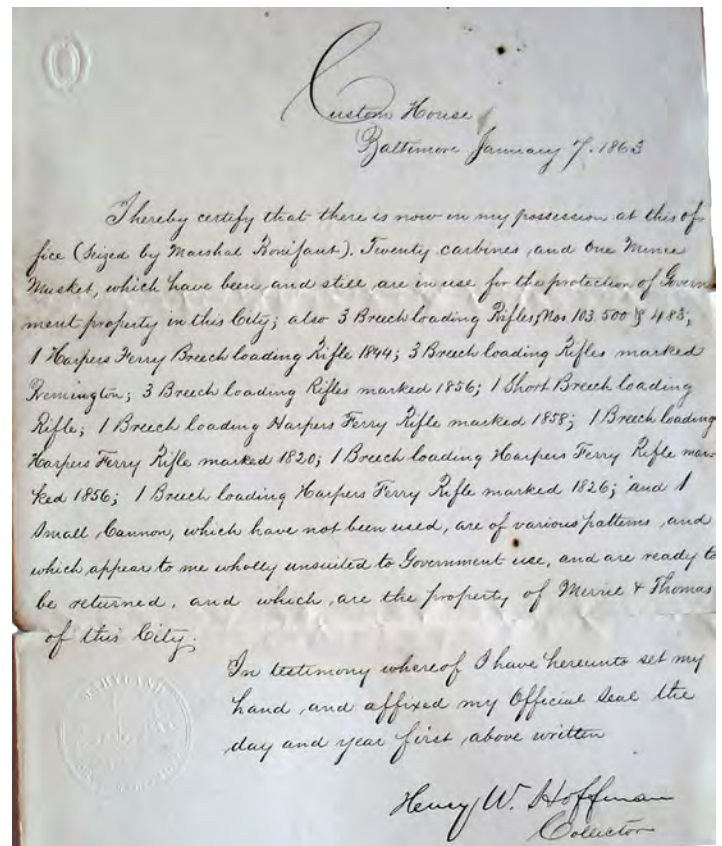


Figure 4 Letter from Collector Hoffman listing the arms held in the Custom House

still in use for the protection of Government property. The inventory of arms held in the Customs House was listed on the document.

On February 3, 1863, Merrill wrote to Secretary Watson informing him that he had made his fourth visit to Watson's office to present evidence from Collector Hoffman regarding the arms seized by Bonifant. However, in each case, Secretary Watson was not available to see him.

On April 17, 1863, Ripley asked for an account of the arms seized by Marshal Bonifant as certified by Mr. Hoffman, the Collector. Merrill sent the requested materials (the list of arms seized by Marshal Bonifant) to the Chief of Ordnance, but on April 24, 1863, Ripley wrote back to Merrill: "My letter it appears was not fully understood. What I desire is an account to conform to the Certificate of the Collector."<sup>4</sup>

Then on May 5, 1863, Ripley contacted Merrill and informed him that Collector Hoffman had been requested to forward all small arms to the Washington Arsenal and to return the Model Cannon to Merrill. Merrill's account would be put in train for settlement.<sup>5</sup>

Finally, after two years, Merrill, Thomas received payment for the arms seized by Marshal Bonifant and had the Patent Model Cannon returned to its place by the door.

The seizure took place 155 years ago. Through diligent research, contacts with other collectors and a



Figure 5 Frank Harrington holding the receipt for the return of the small cannon seized by Marshal Bonifant.

lot of luck, some of the seized arms have again come together. New Model Merrill Carbines, serial number 493 and 494, and the Patent Model Cannon now have a place of prominence in the gun room of an antique arms collector with a special interest in the arms produced by James H. Merrill.



Figure 6 Merrill Carbine Serial Number 493 and 494 seized by Marshal Washington Bonifant on June 5, 1861

### The Patent Model Cannon

James H. Merrill received a patent for an improvement in Breech Loading Cannon in 1859. The patent was based on a tilting wrought iron breech bored out to receive the charge. The breech has a projecting flange at the front of the bore to form a seal at the rear of the barrel.

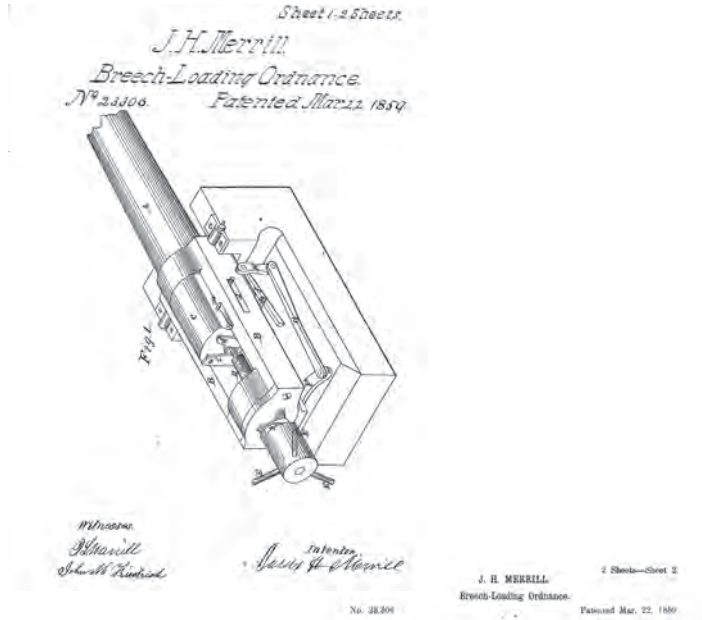


Figure 7 Patent Drawings of Cannon issued to James H. Merrill

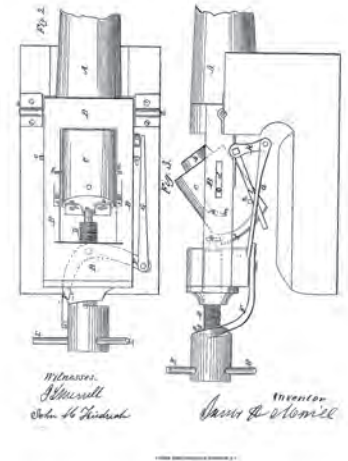


Figure 8 Comparison of tilted breech, breech seal and linkage, between patent drawing and Model Cannon. Note the similarities between the patent drawing and the model cannon in design and function.

The breech is moved by a screw thread, as it is run back to the rear position(unsealed); a system of levers tilts the breech up for loading. As the breech is run up, the levers lower the breech into position to make a seal with the barrel.

*Frank Harrington, a dedicated Merrill collector and friend to many of us, passed away in March of this year. His deep interest in Merrill firearms and research has done much to tell the story of James H. Merrill and the arms he produced.*

*Also thanks to Paul Davies for his assistance and guidance in obtaining the records to support this paper in the holdings of The National Archives.*

## **Endnotes**

- 1 National Archives and Records Administration, RG 156, E 21, Box 284, Letters Received. (All quotes other than noted are from this Letter Box)
- 2 National Archives and Records Administration, RG 156, E 3, Vol. 53, p. 550
- 3 National Archives and Records Administration, RG 156, E 3, Vol. 56, p. 223
- 4 National Archives and Records Administration, RG 156, E 3, Vol. 58, p. 50
- 5 National Archives and Records Administration, RG 156, E 3, Vol. 58, p. 92