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"THE COMMON CAUSE OF AMERICA"

A Study of the First Continental Congress

INDEPENDENCE



NATIONAL HISTORICAL PARK / PENNSYLVANIA

HISTORIC RESOURCE STUDY

"THE COMMON CAUSE OF AMERICA"

A STUDY OF THE FIRST CONTINENTAL CONGRESS

INDEPENDENCE NATIONAL HISTORICAL PARK

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If a dedication were appropriate for a study such as this, John Adams would be the obvious person to commemorate. Without his very rich diary, an examination of the First Continental Congress would be infinitely more difficult. That same diary poses the threat of over-emphasizing his performance in and out of the Congress; the other evidence and the inferences to be drawn from it, however, seem to justify a measured concurrence with his own appraisal of his work in Philadelphia in 1774 and of his entire political career: "I left Congress and Philadelphia in October 1774, with a Reputation, much higher than ever I enjoyed before or since." Conversely, Samuel Adams, who habitually destroyed his papers after each session of the Continental Congress, deserves the historian's curse. As G. R. Elton, the distinguished scholar of Tudor England, once remarked to me about an early seventeenth century Cambridge college master who supervised the destruction of his house's records, "There is a special place in hell for people like that."

More realistically, I should like to acknowledge the consideration and assistance extended to me by Murphy Smith of the American Philosophical Society, Peter Parker of the Historical Society of Pennsylvania and Paul Smith of the American Revolutionary Bicentennial Office at the Library of Congress. I also wish to thank Superintendent Hobart Cawood and Martin I. Yoelson of Independence National Historical Park for their courtesy and help, and F. Ross Holland of the Denver Service Center for his patient and interested overseeing of the completion of this work for the National Park Service. I am particularly grateful to John D. R. Platt of the National Park Service who very freely gave of his knowledge, experience and enthusiasm. Finally, a special debt is owed to Kathleen V. Reed for her many suggestions and valuable critical reading of this study.

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CHAPTER 1

"The Die Is Cast."

As the year 1773 opened, Great Britain confronted difficulties at opposite ends of its global empire. The East India Company had made a botch of its administration of India and also found itself rapidly approaching bankruptcy.[1] On the other side of the earth, an uneasy quiet prevailed in English North America, but the colonists still did not contribute an adequate share to the costs of imperial government and refused to acknowledge the principle of Parliament's right to raise a revenue from them. In addition, the American political process had thrown up a number of men, such as Samuel Adams in Massachusetts, Charles Thomson in Pennsylvania, Patrick Henry and Richard Henry Lee in Virginia, and Christopher Gadsden in South Carolina, who remained ever alert to crisis in the provincial relationship with the mother country.

The ministry of Lord Frederick North discovered a solution to the Company's organizational problems in "An Act for establishing certain Regulations for the better Management of the Affairs of the *East India* Company, as well in *India* as in *Europe*" and ingeniously sought to resolve both its financial dilemma and the American question in "An Act to allow a Drawback of the Duties of Customs on the Exportation of Tea to any of his Majesty's Colonies or Plantations in America; to increase the Deposit of Bohea Tea to be sold at the India Company's Sales; and to impower the Commissioners of the Treasury to grant Licences to the East India Company to export Tea Duty-free" – the Tea Act.[2] Passed on 10 May 1773, this law exempted the Company from the payment of the one shilling duty on each pound of tea imported into the United Kingdom and exported to the American dominions, and permitted the Company to ship its teas directly to mercantile agents of its choice in the colonies without the profit-taking intervention of English middlemen. Further, Parliament reasserted its full legislative authority, including the power to tax, over the plantations by retaining the levy of three pence on each pound of tea entering an American port, the sole survivor of the aborted Townshend duties.

Ironically called a "wise Scheme" by Benjamin Franklin, the Tea Act would presumably accomplish much for the Company and the realm. The drawback and direct export provisions would restore the Company's solvency by reducing its fixed costs and enabling it to sell its huge surpluses at prices at least competitive with

1. For a brief account of the East India Company's problems, see Sir Lewis Namier, "The East India Company," *Personalities and Powers* (New York, 1965), pp. 92-104.

2. 13 Geo. III, c. 63 and c. 44.

smuggled tea. This, in turn, would destroy the illicit traders by eliminating the economic advantage formerly enjoyed by them. Finally, with legally imported tea in command of the market, the colonists would buy the herb from Britons, pay the duty on it, and thus tacitly consent to Parliamentary taxation. In devising this measure, the ministry made but one mistake: it assumed that no "People can act from any other Principle but that of Interest; and they believe, that 3d in a lb of tea, of which one does not perhaps drink 10 in a Year, is sufficient to overcome all the Patriotism of an American."[3]

It took the East India Company about four months to select, not without political considerations, consignees in the provinces and to complete its arrangements for the first shipments under the new law. By mid-October, four tea-laden vessels, *Dartmouth, Eleanor, Beaver* and *William,* were sailing down the Channel *en route* to Boston, with *Nancy* bound for New York, *Polly* for Philadelphia and *London* for Charleston. On 28 November *Dartmouth* came into the harbor of the Massachusetts metropolis and twenty days of crisis began. A combination of Parliamentary statutes necessitated the payment of all duties within twenty days of "first entry," inferred that "first entry" meant arrival, and seemed to forbid the landing or exporting of a cargo after the commencement of the twenty day period without the remittance of the duties. Bostonians responded to *Dartmouth* and the legal maze with a series of meetings in which they tried to force the resignation of the consignees and the reshipment to England of the tea, duties uncollected. Encouraged and supported by Governor Thomas Hutchinson, a native of the province, the Company agents refused to relinquish their posts and fled to Castle William; Hutchinson, insisting on obedience to the law, declined to permit the ships to leave. Time seemed to favor the stubborn and conscientious governor, for upon the expiration of the twenty days, customs officers could uphold the law by seizing the tea. On the nineteenth day, 16 December, his and the ministry's failure to gauge the temper of the colonists became obvious: "a number of Persons unknown and in disguise" broke the impasse and thwarted Hutchinson's legal niceties by dumping 342 chests of tea worth approximately £9,000 into the harbor.[4]

3. Benjamin Franklin to Thomas Cushing, London, 4 June 1773, Albert Henry Smyth, ed., *The Writings of Benjamin Franklin,* 10 vols. (New York, 1905-1907), VI, 57; Benjamin Woods Labaree, *The Boston Tea Party* (New York, 1964), pp. 58-73.

4. Thomas Cushing and others, Committee, etc. to Benjamin Franklin, Boston, 21 December 1773, Smyth, ed., *Writings of Franklin,* VI, 178; Samuel Adams to Arthur Lee, Boston, 31 December 1773, Harry Alonzo Cushing, ed., *The Writings of Samuel Adams,* 4 vols. (New York, 1968), III, 76; Labaree, *Boston Tea Party,* pp. 104-141.

   Eleanor and *Beaver* arrived two weeks after *Dartmouth* and attended the tea party; *William* was shipwrecked on Cape Cod. New York's agents declined to accept the tea, and *Nancy* sailed back to England with the cargo. In Philadelphia the consignees resigned, and *Polly* returned the tea to England. The Company's factors in Charleston rejected the tea which was unloaded and placed in storage; no duties were ever paid on it.

The day after the Tea Party, John Adams wrote almost rhapsodically that, "This is the most magnificent Movement of all. There is a Dignity, a Majesty, a Sublimity, in this last Effort of the Patriots, that I greatly admire." He anticipated correctly that "it must have so important Consequences, and so long lasting, that I cant but consider it as an Epocha in History."[5] More specifically he perceived in this defiance of the mother country that, "The die is cast. The people have passed the river and cut away the bridge."[6] His older kinsman, Samuel Adams, found in the city an unimaginable "height of joy that sparkles in the eyes and animates the countenances as well as the hearts of all we meet on this occasion; excepting the disappointed, disconcerted Hutchinson and his tools." Albeit less grandiosely than John, he too saw the political import of the event and again warned that if William Legge, Earl of Dartmouth and Secretary of State for the Colonies, "has prepared his plan [for reconciliation] let him produce it speedily; but his lordship must know that it must be such a plan as will not barely amuse, much less farther irritate but conciliate the affection of the inhabitants."[7]

John Hancock's ship *Hayley* brought the news of "this last Effort of the Patriots" on 20 January 1774 to England where the reception to it manifested neither "Sublimity" nor "the height of joy." Toward the end of the month, Lord Dartmouth suggested "punishing the Town of Boston by removing the Custom House from thence & holding the assembly for the future in another place."[8] At first the ministry planned to end Boston's political and economic hegemony in Massachusetts by crown fiat; however, by early March it decided to move against the city by statute and on 18 March introduced the Boston Port Bill in the House of Commons.[9] Opposition was virtually nonexistent, for "The popular current, both within doors and without, at

5. L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 85-86.

6. John Adams to James Warren, Boston, 17 December 1773, Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author,* 10 vols. (Boston, 1850-1856), IX, 333.

7. Samuel Adams to Arthur Lee, Boston, 31 December 1773, Cushing, ed., *Writings of Samuel Adams,* III, 76-77.

8. Lord North to the King, Downing Street [? January 1774], Sir John Fortescue, ed., *The Correspondence of King George the Third from 1760 to December 1783,* 6 vols. (London, 1927-1928), III, 55.

9. 14 Geo. III, c. 19.

present sets strongly against America." To be sure, this particular measure itself enjoyed no great popularity in the House; but the Commons did have

> a general Notion, that *some Act* of Power was become necessary; and that the hands of Government ought to be strengthened, by affording an entire Credit to the opinions of Ministry in the *Choice of that Act;* as the best pledge of the future support the House was to give in the effectual Execution of any coercive proceeding.[10]

Such "a general Notion" assured the passage of the Port Bill without a formal division a week later. The House of Lords sent it on to the King with even less dissent. On the last day of March, George III gave his approval to the closure of the port of Boston until such time as the town paid the East India Company's bill for the tea party. To enforce the act and to compel "Boston to whatever may be thought necessary," the King commissioned on 7 April Lieutenant General Thomas Gage, who had already indicated his willingness to serve "at a day's notice," to replace Hutchinson as governor of Massachusetts.[11] This spelled the effective end of civil administration in the colony.

Other measures soon followed as "a means of establishing some Government in that Province which till now has been a Scene of Anarchy. . . ."[12] On 20 May 1774, George III consented to "An Act for the better regulating the Government of the Province of the Massachusetts-Bay in New England" which radically altered the charter of the colony. It eliminated the participation of the lower house in the annual selection of councilors and made them crown appointees with tenure at the King's pleasure, as was the practice in other royal plantations. This law also gave to the governor the sole power to name all judges and other court officers. In addition, jurors were henceforth to be summoned and returned by the county sheriffs, themselves gubernatorial nominees, rather than by popular election. Finally, it forbad the calling of town meetings, except for the yearly session to pick local officers, without leave of the governor and prohibited any deviation from the approved agenda.[13] So much for those

10. Edmund Burke to the Committee of Correspondence of the General Assembly of New York, 6 April 1774, Thomas W. Copeland, *et al.*, eds., *The Correspondence of Edmund Burke,* 9 vols. (Cambridge, Eng. and Chicago, 1958-1971), II, 528.

11. The King to Lord North, Queens House, 4 February 1774, Fortescue, ed., *Correspondence of George III,* III, 59.

12. The King to Lord North, Kew, 1 July 1774, Fortescue, ed., *Correspondence of George III,* III, 116.

13. 14 Geo. III, c. 45. Extracts from this and the next act may be found in Jack P. Greene, ed., *Colonies to Nation: 1763-1789* (New York, 1967), pp. 204-208.

troublesome town meetings and their insolent resolutions. That same day the King signified his assent to "An Act for the impartial Administration of Justice in the Cases of Persons questioned for any Acts done by them in Execution of the Law, or for the Suppression of Riots and Tumults, in the Province of the Massachuset's Bay, in New England" which provided for trial in another colony or in the mother country of anyone indicted for a capital offense if the governor swore that the accused had been performing an assigned duty and could not get a fair hearing in Massachusetts.[14] Upon his arrival in England late in June, the former governor of the colony, Thomas Hutchinson, learned of these statutes, "the consequences of which he dreaded." – a very fitting conclusion for his history of the province where he had been born.[15]

Well might Hutchinson respond with dread to these laws, the Intolerable or Coercive Acts, for they precipitated the final crisis in the Anglo-American colonial relationship. They led to the calling of the First Continental Congress and eventually to war and independence, the "breaking that fine and noble China Vase, the British Empire."[16]

That the mildest of imperial governments and "the freest, most enlightened, most prosperous, and most politically experienced of all colonials in the world of the eighteenth century" should come to shatter "that fine and noble China Vase" has elicited explanations since before the clash of arms.[17] To John Adams, the "Revolution was in the Minds of the People, and this was effected, from 1760 to 1775, in the course of fifteen Years before a drop of blood was drawn at Lexington."[18] His antagonist in the First Continental Congress, Joseph Galloway, attributed it to America's having received from England "more freedom than was consistent with true civil liberty" and the manipulation of this freedom by "a dangerous combination of men," composed of Presbyterian and Congregationalist republicans, "whose principles of religion and polity were equally averse to those of the established Church and Government. . . ."[19] Historians have sought the origins of the disruption in the

14. 14 Geo. III, c. 39.

15. *The History of the Colony and Province of Massachusetts-Bay,* ed. Lawrence Shaw Mayo, 3 vols. (New York, 1970), III, 330.

16. Benjamin Franklin to Lord Howe, Philadelphia, 30 July 1776, Smyth, ed., *Writings of Franklin,* VI, 460.

17. Lawrence Henry Gipson, *The British Empire Before the American Revolution,* XIII: *The Triumphant Empire: The Empire Beyond the Storm, 1770-1776,* 15 vols. (Caldwell, Ida. and New York, 1936-1970), 205.

18. John Adams to Thomas Jefferson, Quincy, 24 August 1815, Lester S. Cappon, ed., *The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams,* 2 vols. (Chapel Hill, N.C., 1959), II, 455.

19. *Historical and Political Reflections on the Rise and Progress of the American Rebellion* (London, 1780), *passim;* the quotations are from pp. 54 and 114.

uncontrolled growth of colonial autonomy, in the self-serving machinations of provincial demogogues aided by their depraved coadjutors in England, in the absence of marked social and economic stratification which nourished "a spirit of liberty and independence," in the intervention of a Whig providence – perhaps goaded by an evil monarch – to foster democracy, in the combined struggle for home-rule and greater democratization of local politics and society, in an almost Darwinian evolutionary divergence from a common ancestry of the parent state and its colonial progeny, in conflicting economic interests, in the determination to preserve an already established middle-class democracy from the inroads of the ministry, in the many provocative measures initiated by Britain between 1759 and 1766, in the efforts to set up an Anglican episcopate in America, in the colonial search for principle, and on it goes for two hundred often confusing and confused years of interpretation.[20]

Despite the variety of analytical constructs, to a greater or lesser extent the theme of constitutionalism appears as a common denominator. This is only appropriate, for the Revolutionaries themselves, while not ignoring the issues resurrected later by historians, presented the American position largely in constitutional terms. At the Stamp Act Congress, in provincial, county and local meetings, in their many pamphlets, and in the deliberations of the First Continental Congress, they regularly

20. There is, of course, a certain futility attached to attempting such a brief survey of the historiography of the coming of the American Revolution. An index of this appears in Gipson, *British Empire,* XIV: *A Bibliographical Guide to the History of the British Empire, 1748-1776* which contains an inexhaustive list of over 5,400 entries. Nevertheless, it is appropriate to suggest something of the range of thought which has been brought to bear on the topic.

In the order enumerated in the text these interpretations are represented in Hutchinson, *History of Massachusetts-Bay;* Peter Oliver, *Origin & Progress of the American Revolution,* eds. Douglas Adair and John A. Schutz (San Marino, 1961); David Ramsay, *The History of the Revolution of South-Carolina from a British Province to an independent State,* 2 vols. (Trenton, 1785); George Bancroft, *History of the United States of America, From the Discovery of the Continent,* 6 vols. (New York, 1891), II-III; Carl Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison, 1909); Charles M. Andrews, *The Colonial Background of the American Revolution* (New Haven, 1961); Edward Channing, *A History of the United States,* 6 vols. (New York, 1937), III; Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (New York, 1969), and with B. Katherine Brown, *Virginia, 1705-1786: Democracy or Aristocracy?* (East Lansing, 1964); Bernhard Knollenberg, *Origin of the American Revolution, 1759-1766* (New York, 1961); Carl Bridenbaugh, *Mitre and Sceptre: Transatlantic Faiths, Ideas, Personalities, and Politics* (New York, 1962); Edmund S. Morgan, *The Birth of the Republic, 1763-1789* (Chicago, 1956).

Useful discussions of this historiography appear in Ray A. Billington, ed., *The Reinterpretation of Early American History: Essays in Honor of John Edwin Pomfret* (New York, 1968); Frank O. Gatell and Allen Weinstein, eds., *American Themes: Essays in Historiography* (New York, 1968); Gipson, *British Empire,* XIII, pt. iii; and Jack P. Greene, ed., *The Reinterpretation of the American Revolution, 1763-1789* (New York, 1968).

addressed themselves to the question of the proper constitutional relationship of the colonies to the mother country. The British too saw the controversy as one which fundamentally concerned the constitution. As the debate progressed, it became obvious that neither party could or would really comprehend the other's stance and that the word constitution itself had assumed different meanings on the two sides of the Atlantic. Not until the Declaration of Independence and the final severing of the Anglo-American connection altered the nature of the conflict did further discussion of this central problem become somewhat anachronistic and highly irrelevant.

The sources of this fatal misunderstanding rise in the early seventeenth century and are tightly enmeshed in the changes wrought in the English constitution, the character of the beginnings of the realm's overseas expansion, the experience of the colonists in that first hundred years, and the perseverence of inherited socio-political values. The death of Elizabeth I in 1603, four years before the founding of Jamestown, unleashed a number of questions about the respective constitutional roles of King and Parliament, particularly the House of Commons, which veneration for the Queen and her strength had kept pent up. Almost countless legal confrontations, the Civil War and the Revolution of 1688 finally resolved the issue in favor of Parliament. From the "abdication" of James II and the accession of William and Mary, Parliament, and increasingly the Commons, became supreme in the English government. In it resided the unified sovereignty of the state with the crown ultimately its virtual creature. This shift in the balance of constitutional power from King to Commons during the first century of colonization took on an extraordinary importance when Britons and Americans attempted to ascertain the nature of authority and of their connection.

Coincident with and not unrelated to this long political struggle, Englishmen began to swarm overseas.[21] Owing to the crown's frugality and relative poverty and to domestic problems, the state participated only indirectly in the vast emigration of its subjects. Elizabeth I and her Stuart successors granted charters to various joint-stock trading companies and individuals to establish plantations to the east and west. These charters supplied the legal authorization for the colonies's existence, defined the territorial and governmental rights of the grantees, and afforded them the nominal defense of royal sanction and the flag. Of utmost significance to the eighteenth century Anglo-American dispute, almost all of these charters were given as expressions of crown prerogative before the achievement of Parliamentary supremacy.[22]

21. Carl Bridenbaugh has estimated that between 1620 and 1642 alone, about two percent of England's population emigrated (*Vexed and Troubled Englishmen, 1590-1642* [New York, 1968], p. 395).

22. Of the thirteen colonies which later rebelled, only Massachusetts and Georgia rested their governments on charters which post-dated the Glorious Revolution, and the Bay Colony had once had an earlier, more liberal charter which had not passed from the historical consciousness of the inhabitants.

Consequently, in the earlier charters, Parliament received but tangential mention, as in the requirement that local ordinances "be not contrarie or repugnant to the lawes and statutes of this our realme of England."[23] Charters drawn up after the Restoration of the monarchy in 1660 referred more explicitly to the legislature by the specific binding of the newly created settlements to "observe the Acts of Navigation, and other Lawes in that behalfe made"; and Pennsylvania's contained an ambiguous clause which may have implied that Parliament could tax the colony.[24] But these allusions to Parliament were included as a part of the royal will, not legislative enactment.[25] These founding documents, which provincials increasingly thought of as constitutions in the later American sense of the word, thus provided the basis for the contention that the imperial relationship flowed solely through the King. Such an argument possessed a nice legal logic as the English constitution stood before 1688; however, after that date it became outmoded, for it was predicated upon a crown prerogative unfettered by the legislature. In short, it denied the greatest of eighteenth century Whig canons, Parliamentary supremacy.[26]

The colonial experience of the seventeenth and first half of the eighteenth centuries served only to compound the problems emanating from the changes in the structure of the English government. After the issuance of charters, the crown with decided ambivalence assumed more immediate responsibilities for the welfare and administration of its subjects beyond the seas.[27] This reflected, in part, a *laissez-faire* attitude toward private enterprises; however, it also resulted from the monarch's "being forced by many other urgent occasions in respect to his late access to the

23. The Massachusetts Charter of 1629, Edmund S. Morgan, ed., *The Founding of Massachusetts: Historians and Sources* (Indianapolis, 1964), p. 314.

24. The Pennsylvania Charter of 1681, Jack P. Greene, ed., *Settlements to Society, 1584-1763* (New York, 1966), pp. 142-144.

25. Only one clear precedent for the exercise of Parliamentary jurisdiction over the colonies pre-dated the Glorious Revolution. A Commonwealth act of 1649 asserted the supremacy of the English legislature over the plantations; however, it lost its legal validity with the Restoration.

26. Among the best discussions of the individual charters is Charles M. Andrews, *The Colonial Period of American History,* 4 vols. (New Haven, 1964).

27. The revocation of the charter of the Virginia Company of London and the royalization of Virginia affords an example of this ambivalence (Wesley Frank Craven, *The Southern Colonies in the Seventeenth Century, 1607-1689* [Baton Rouge, 1949], pp. 146-151).

crown. . . ."[28] After all, domestic conditions which cost one king his head and another his throne within less than fifty years hardly permitted a too close watch on a people 3,000 miles away. In this near vacuum, the colonists exercised a high degree of autonomy; indeed, its charter to the contrary notwithstanding, Massachusetts appropriated a variety of sovereign powers, including the coinage of money, assertion of complete judicial authority, geographic expansion of its jurisdiction, and independent negotiations with foreign settlements. From time to time the government sought to gain greater control over its North American empire, especially Massachusetts, as with the appointment in 1633 of the Commission for Foreign Plantations under the presidency of Canterbury's Archbishop William Laud, no friend to religious or political dissent, and with the creation in 1685 of the Dominion of New England. But in both instances crisis at home curtailed experiment abroad, and the colonies retained much of their internal independence.

Despite the collapse of its more extreme imperial innovations, Civil Wars, a Popish Plot, Exclusion Crises and the Glorious Revolution, by 1700 England had formulated a colonial policy of an essentially mercantile nature. During the last five years of the seventeenth century, the mother country adopted the comprehensive Navigation Act of 1696, appointed the Board of Trade, set up vice-admiralty courts in America, and passed the first of a new series of laws designed to regulate provincial manufacturing and commerce. In addition, by fits and starts and without consistency, she began to place – or try to place – more plantations under royal, rather than corporate or proprietary, rule which contributed to a shift of the locus of autonomy to the lower houses of the assemblies. With a number of eighteenth century accretions such as the Hat Act, the Iron Act, the Coin Act and the Molasses Act, this remained the fundamental platform of empire until the 1760's.

To implement this policy, the government piece meal erected an incredibly complex, overlapping and inefficient administration marred by absenteeism and incompetence. Not only did the imperial bureaucracy often fail to perform its tasks, but for much of the eighteenth century Sir Robert Walpole and his successors adopted a program of *quieta non movere*. As the first real prime minister wisely replied to a suggestion to tax the colonists directly, "I have old England set against me, do you think I will have new England likewise?"[29] A further measure of Britain's somewhat casual approach to the colonies can be seen in the organization of the cabinet: not before 1768 was there a Secretary of State for the Colonies; until then responsibility

28. Commission of Governor Sir George Yeardley, 14 March 1626, quoted in Andrews, *Colonial Period,* I, 196.

29. Quoted in Basil Williams, *The Whig Supremacy, 1714-1760* (Oxford, 1962), p. 193.

for the empire had fallen to the Secretary of State for the Southern Department.[30] This very inefficiency and indifference may have made the whole function, for prior to about 1760 there existed relatively few points of contact between provincials and British officialdom to generate extensive Anglo-American friction. This means neither that local tensions did not frequently occur, as almost any royal or proprietary governor could attest, nor that that precious semi-autonomy did not often appear threatened, especially from the Board of Trade's never ending but seldom enacted proposals to impose a unity of purpose and administration. Potential danger also lay in the King's retention in America of many prerogative powers which Revolution or time had reduced to mere symbol in England; he could still veto legislation, appoint judges to serve at his pleasure, establish new courts, and prorogue or dissolve the assemblies at will in the colonies. The imperial connection, however, did not yet offend enough Americans simultaneously to arouse a sense of union and rebelliousness. Moreover, many cements held "that fine and noble China Vase" together; pride in themselves and the empire, religious and cultural affinities, business relationships and kinship ties helped transcend the petty irritation caused by an overzealous tidewaiter or surveyor of the King's woods or even an arrogantly patronizing governor.

While a shared culture worked to preserve the empire, other sets of inherited social and political values contained the stuff of disruption. Americans also partook of the English Whig tradition of a fear of prerogative and arbitrary power, an attachment to legislative processes, a solicitude for individual natural rights, and an adherence to contractual notions of government and society. Life, liberty and property constituted as much a part of their credo as any Briton's, including George III's.[31] In the hands of the ruling Whig oligarchy at home, these concepts had lost their seventeenth century revolutionary content. Many colonials and a few Englishmen, however, subscribed to the more radical Whig heritage of the Commonwealthmen laid down and enriched for over a century by John Milton, James Harrington, Henry Neville, Algernon Sidney, John Trenchard, Thomas Gordon, Benjamin Hoadly, Richard Price, Joseph Priestly, Catherine Macaulay, James Burgh and others.[32] Not only did Americans read and make marginal notes in the books and tracts of these authors, but in some instances, they had personal contacts with them; Franklin knew Price, Priestly and Burgh, John

30. The office of Secretary of State for the Colonies and the Board of Trade were abolished in 1782, the year after Yorktown.

31. On the Whig tradition, see George H. Guttridge, *English Whiggism and the American Revolution* (Berkeley and Los Angeles, 1963), pp. 1-16.

32. On these and other writers, see Bernard Bailyn, ed., *Pamphlets of the American Revolution, 1750-1776* (Cambridge, Mass., 1965-), I, 28-37; Caroline Robbins, *The Eighteenth Century Commonwealthman: Studies in the Transmission, Development and Circumstances of English Liberal Thought from the Restoration of Charles II until the War with the Thirteen Colonies* (New York, 1968), a brilliant and important book.

Adams began a correspondence with Catherine Macaulay in 1770, and Benjamin Rush also exchanged letters with Macaulay. These "real Whigs" had a profound and lasting impact on colonial thinkers, instilling ideas of republicanism, fostering a kind of political paranoia and reinforcing their growing perception of the London government as corrupt, tyrannical and unconstitutional.

Another, much more subtle, aspect of the European legacy, the ideal of coincident social, political and economic hierarchies, came to America with the first immigrants.[33] When the great Puritan migration of 1630 was still at sea, John Winthrop, Governor of the Massachusetts-Bay Company, preached a lay sermon in which he maintained that "God Almightie in his most holy and wise providence hath soe disposed of the Condicion of mankinde, as in all times some must be rich some poore, some highe and eminent in power and dignitie; others meane and in subjeccion."[34] In this, Winthrop simply articulated the commonly held belief that social, political and economic authority should rest in the same superior persons. Throughout the seventeenth century this normative attitude retained its vitality in theory and practice and, despite the wilderness, persisted as a force in the eighteenth.[35] Herein lay the potential for trouble of a two-fold sort. Within each province at one time or another the uncertainties of social and economic leadership threw the proper location of political primacy into question and produced intense internal factionalism.[36] In addition, since the political apex was in England not America, precious few colonials could aspire to governmental positions commensurate with their ranks in society. And as patronage became more and more focused in the precincts of Whitehall, not only did American access to preferment diminish but office holders sent to the provinces from Britain lacked the socially supportive attributes of their political station. This deformity in the hierarchical structures led to stress and further enhanced the local status of the elected lower houses of the assemblies in the plantations.

33. For the basic statement of this thesis, see Bernard Bailyn, "Politics and Social Structure in Virginia," James Morton Smith, ed., *Seventeenth-Century America: Essays in Colonial History* (Chapel Hill, N.C., 1959), pp. 90-115, an extremely perceptive article.

34. "A Modell of Christian Charity," Morgan, ed., *Founding of Massachusetts,* p. 190.

35. Charles S. Sydnor, *American Revolutionaries in the Making: Political Practices in Washington's Virginia* (New York, 1962), pp. 60-85; Bernard Bailyn, *The Origins of American Politics* (New York, 1968), pp. 96-104; Jackson Turner Main, *The Social Structure of Revolutionary America* (Princeton, 1965), p. 212.

36. For brief accounts of the politics and factions in each colony, see Bailyn, *Origins of American Politics,* pp. 107-124.

So long as inefficiency remained the rule for imperial administration and English politics lost none of its stability, the Anglo-American relationship endured with occasional tension but without crisis, and the colonists did not have to reflect upon the differences in experience and culture which separated them from the mother country, the differences which effected Adams's revolution "in the Minds of the People." However, both these conditions passed about the year 1760. The tremendous demands placed on the United Kingdom by the Seven Years' War, which Gipson has aptly called "the Great War for the Empire," impressed upon the ministry the necessity of exerting much more control over the North Americans, who had not scrupled at extensive trading with the French enemy, and of requiring them to contribute some reasonable amount to the huge costs of that conflict.[37] As this general decision emerged, the old King died and his grandson, George III, ascended the throne. It took the young monarch – only twenty-two in 1760 – a decade to find ministers who at one and the same time could command a Parliamentary majority, would serve with one another and be personally acceptable to himself. He finally put together such a collection under the leadership of Lord North in 1770. In the interim, however, six chief ministers and some ninety holders of the great offices of state had tried to formulate and implement policy. Such a situation was hardly conducive to a judicious and consistent treatment of the American problem.[38]

The conjunction of the need for control and revenue with the governmental mess produced the Proclamation Line of 1763, a wise and humane measure very badly handled by the Board of Trade under the Earl of Shelburne and the Earl of Hillsborough who replaced him in the midst of the preparation of the Proclamation.

37. Lawrence Henry Gipson, *The Coming of the Revolution, 1763-1775* (New York, 1954), p. 1.

38. There was a considerable turnover in the offices which touched on American affairs. Between 1760 and 1770, there were five First Lords of the Treasury, seven Secretaries of State for the Southern Department, one Secretary of State for the Colonies (a position not created until 1768), seven First Lords of the Admiralty, eight Chancellors of the Exchequer, four Secretaries at War and nine Presidents of the Board of Trade. Duplication of personnel reduces the total, 41, to 28 men.

    On English politics during the first ten years of George III's reign, see Sir Lewis Namier, *The Structure of Politics at the Accession of George III,* 2nd ed. (London, 1961), and his *England in the Age of the American Revolution,* 2nd ed. (London, 1961); Guttridge, *English Whiggism;* Richard Pares, *King George III and the Politicians* (Oxford, 1953); Herbert Butterfield, *George III and the Historians* (London, 1957). A brief account to 1765 appears in Knollenberg, *Origin of the American Revolution,* pp. 21-48. For another short account, see J. Steven Watson, *The Reign of George III, 1760-1815* (Oxford, 1960), pp. 67-146.

During the premiership of George Grenville, it yielded the American Act of 1764. Unlike all previous Parliamentary duties laid upon the colonists, this one was avowedly intended to raise a revenue from the Americans, not just regulate their commerce. This act also imposed more restrictions on the colonial carrying trade, markedly reduced the personal liability of officers for malfeasance in their execution of the law, established a new admiralty court with intercolonial jurisdiction in distant Halifax, and provided for stricter enforcement of the Acts of Trade and Navigation.[39] In 1764 the Grenville administration secured the passage of legislation prohibiting the issuance of new paper currency in the colonies, and the next year it brought in the Stamp Act. Grenville lasted a little over two years. His successor, the Marquis of Rockingham, managed to get the Stamp Act repealed, but English politics dictated a statutory reaffirmation of the principle that Parliament "had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of *America* subjects of the crown of *Great Britain,* in all cases whatsoever," and a declaration that the provincial "resolutions, votes, orders, and proceedings" denying Parliament's supremacy are "utterly null and void to all intents and purposes whatsoever."[40] And Rockingham survived a year. The Earl of Chatham's Chancellor of the Exchequer, Charles Townshend, in response to a false interpretation of America's stance on taxes, gave his name to a set of duties on imports to the colonies. By 1770, only one of Townshend's duties remained on the books, that on tea, and their sponsors were out of office. At last, George III found North.

These many measures evoked a variety of protest from the colonists, ranging from riot to humble petition; most significantly, however, they compelled Americans to think about their constitutional experience of a century and a half and about their proper place within the empire. The product of this thought appeared in many forms, in newspaper essays, speeches, sermons, broadsides, resolutions and over four hundred pamphlets. Taken together, and in some cases individually, they offer a brilliant and at times highly original exposition of an American conceptualization of constitutionalism, authority and sovereignty. Historians once discerned in these statements a constant shifting from one argument to another as Britain attempted both to tax the provincials and to satisfy American objections to previous efforts. In his study of the ideological genesis and substance of the Declaration of Independence, Carl Becker summarized this thesis in one sentence: "Thus step by step, from 1764 to 1776, the colonists modified their theory to suit their needs."[41]

39. 4 Geo. III, c. 15.

40. 6 Geo. III, c. 12.

41. *The Declaration of Independence: A Study in the History of Political Ideas* (New York, 1958), p. 133. This is also the view of Gipson *(Coming of the Revolution,* pp. 76-78, 98-101, 172-173, 198-200, 202-203, 231-232) and of Clinton Rossiter *(Seedtime of the Republic: The Origin of the American Tradition of Political Liberty* [New York, 1953], pp. 333-342).

Viewed as a whole, these alterations in position seem not so much a "step by step" progression as a change in emphasis. For the most part, the early pamphleteers discussed specific problems, usually involving taxation, and suggested specific solutions; but they did not lack at least an awareness and adumbration of the central issues, the nature of the Anglo-American connection and of sovereignty. For example, James Otis, writing in 1764, addressed himself to the question of taxation raised by the American Act of that year. In taking exception to this statute, he explored both natural rights and the historic liberties of British colonists. Otis acknowledged that the "power of Parliament is uncontrollable but by themselves, and we must obey"; however, he also maintained that, despite its supremacy, the British legislature could not act arbitrarily. From there he claimed taxation without representation to be arbitrary and, returning to specifics, insisted upon an American voice in the imperial Parliament to right this wrong.[42] Included in this tract are several important foreshadowings of the main thrusts of later writers: Otis argued for colonial equality which within a few years became an equality of the American assemblies with the British legislature; he referred to "rulers, supreme and subordinate" which anticipated the idea of divided sovereignty, or division of powers in modern terms, and he sought an answer to immediate difficulties in representation "in some proportion of their number and estate."[43] To Englishmen, who lived in a political culture of absolutely unified state sovereignty, rotten boroughs, gross representative inequities – justified by the notion of "virtual representation" which some English authors extended to the provinces – and Parliamentary supremacy, these proposals were too radical for serious consideration.[44]

In like manner, the resolutions adopted by the Stamp Act Congress in 1765 reflect primarily a concern with particular Parliamentary statutes, the American Act of 1764 and the Stamp Act of 1765, but again an intimation of larger issues pervades the document. The twenty-seven delegates from nine colonies affirmed the equality of the King's American and British subjects, asserted the principle "that no taxes be imposed on them but with their own consent, given personally or by their representatives," and denigrated the authority of Parliament by admitting only a perhaps deliberately vague

42. James Otis, *The Rights of the British Colonies Asserted and Proved,* Bailyn, ed., *Pamphlets,* I, 448, 454, 468, 470. Essential extracts from Otis's tract appear in Samuel Eliot Morison, ed., *Sources and Documents Illustrating the American Revolution, 1764-1788, and the Formation of the Federal Constitution,* 2nd ed. (Oxford, 1929), pp. 4-9.

43. Otis, *Rights of the British Colonies,* Bailyn, ed., *Pamphlets,* I, 440, 470.

44. On the extension of virtual representation to America, see Soame Jenyns, *The Objections to the Taxation of Our American Colonies by the Legislature of Great Britain, briefly consider'd* (London, 1765), Morison, ed., *Sources and Documents,* pp. 18-24.

"due subordination to that august body the Parliament of Great Britain."[45] Explicit in the resolutions of this first extra-legal intercolonial meeting is the theory of divided sovereignty, for while linking taxation and consent, they repudiated Otis's proposal and claimed that "the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain."[46] If levies could not be made without representation, and if the Americans could not participate in the deliberations of the Commons, then clearly the exercise of this power properly belonged to the provincial assemblies alone. To be sure, over the protests of South Carolina's Christopher Gadsden who realized the implication, the Congress compromised its stand somewhat by petitioning the Commons for relief; nevertheless, the underlying premise of its resolutions remained jurisdictional federalism.[47]

The foundation upon which the Congress based its contentions, although not original, also assumes singular importance.[48] Relying only in the most remote way on the natural rights which Otis had employed, the Congress argued its position from the rights of Englishmen.[49] Its resolutions contain phrases such as "constitutionally imposed" and "the principles and spirit of the British Constitution." The delegates, judging the American Act and the Stamp Act by these criteria, found them wanting, or unconstitutional. By injecting this standard, the Congress challenged the fundamental precept of the mother country's constitution, the unlimited and supreme authority of Parliament and its enactments, and inferred that a body of law or principles existed

45. "Resolutions of the Stamp Act Congress," Morison, ed., *Sources and Documents,* pp. 32-34. On the Stamp Act and this Congress, see Edmund S. and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (New York, 1963).

46. "Resolutions of the Stamp Act Congress," Morison, ed., *Sources and Documents,* p. 33.

47. Morgan, *Stamp Act Crisis,* pp. 147-148.

48. Nor can originality be expected of the Congress, for such a body had to reconcile diverse interests and views, and, in the name of a much sought after unanimity, adopt a set of resolutions which within reasonable limits reflected a common denominator of popularly held opinions and comprehensions of the crisis. The same restriction on creativity also applied to the First Continental Congress.

49. This does not mean that Otis had no sense of constitutionalism, and his use of the word "arbitrary" certainly implies a constitutional standard. However, his understanding of the eighteenth century constitution and its practical operation bore little resemblance to reality. Note particularly his description of a system of checks and balances and the role of the courts in the British constitution (Otis, *Rights of the British Colonies,* Bailyn, ed., *Pamphlets,* I, 455); his analysis rested on a misreading of *Bonham's Case* (1610) and of royal prerogative.

above and beyond mere statute by which to determine the validity of legislation. That Americans should draw such a conclusion in the mid-eighteenth century indicates more than a simple groping for an expedient answer to a present problem. It also reflects the divergence of British and American experience: out of the Glorious Revolution the former had Parliamentary supremacy, but out of their charters the latter had a nascent concept of written constitutions which set restrictions on government and which altered the meaning of the word constitution from the way a society *is* constituted and governed to the way one *should* be constituted and governed. Like Otis's proportional representation, this idea of relatively static, written constitutions had no respectable place in English political thought.

The balance of the debate from the Stamp Act Congress to the First Continental Congress, and even to Independence, may be seen as a working out of the full implications of the basic tenets laid down by Otis, the Stamp Act Congress and others. The shift which occurred in this discussion was not one of a "step by step" acceptance and abandonment of new positions "to suit their needs"; rather it was a transformation of emphasis from particular incidents to a general theory of authority, sovereignty and empire. This mutation appears most vividly in John Dickinson's *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies,* which was first published in 1767.[50] In the *Letters,* Dickinson treated several specific acts and endeavored to establish criteria for the constitutionality of Parliamentary legislation in America. In so doing, he rejected, as had the Stamp Act Congress and James Otis before him, the false distinction current among some English writers between internal and external taxation and found an index of legitimacy in intention.[51] He thought that Parliament could "regulate trade and preserve or promote a mutually beneficial intercourse between the

50. The edition used in this study is Forrest McDonald, ed., *Empire and Nation* (Englewood Cliffs, N.J., 1962); it contains the complete texts of Dickinson's *Letters from a Farmer* and Richard Henry Lee's *Letters from a Federal Farmer* (1787), a critique of the new federal constitution. Essential extracts from Dickinson's *Letters* may be read in Morison, ed., *Sources and Documents,* pp. 34-54.

51. Dickinson, *Letters from a Farmer* (McDonald, ed.), pp. 20-25.

The distinction between internal and external taxation has plagued historians for some time and has contributed to the interpretation of the decade before independence offered by Becker, Gipson and others. Very few Americans differentiated between internal and external taxation; most colonial writers on the subject separated taxation from legislation, as did William Pitt, and argued that Parliament could legislate – although not in all cases – but could not tax. Apparently, England's persistent belief that Americans held to the internal-external distinction grew out of Benjamin Franklin's testimony before the Commons in February 1766. There and then he acknowledged the validity of the distinction; however, the circumstances of his admission are important. He was working with the Rockingham ministry to secure repeal of the Stamp Act; a full assertion of the provincial position, i.e., no Parliamentary taxation of any description, would doubtless have jeopardized repeal and the ministry which was regarded as being friendly to the colonists. In addition, Franklin had blundered badly by not resisting the Stamp Act more effectively and vocally in 1765 and, warned by his ally Charles Thomson, may have been seeking to restore his much diminished popularity in the colonies, particularly in

several constituent parts of the Empire" through duties; it could not, however, pass any act *"for the single purpose of levying money upon us."*[52]

Having completely denied Parliament's right to tax, Dickinson turned to a delineation of the correct distribution of authority. Americans, he wrote, "are but parts of a *whole*; and therefore there must exist a power somewhere, to preside, and preserve the connection in due order." This authority he lodged in Parliament in its function as the imperial legislature, not as the national legislature of the United Kingdom.[53] Granting that the colonies "are as much dependent on *Great Britain,* as a prefectly free people can be on another," he divorced the administration of justice, the support of civil government and the costs of maintaining an army – all of which involved the collection and expenditure of money – from Parliamentary jurisdiction and allocated these powers to the provincial assemblies.[54] This division of supreme sovereignty did not make the colonies "states distinct from the *British Empire,*" for constitutional connectives continued in the exercise of the royal prerogative and the remaining authority of Parliament.[55] Thus again, an American rested the colonial case on a form of federalism. Dickinson hoped that this could be instituted through petition, but he was willing to turn to boycott and colonial union if necessary to rectify and renovate the constitution.[56]

As Americans sketched the broad outline of a theory of federalism with impressive originality and speed, the British participants in the debate had merely to reiterate the constitutional orthodoxy of the Glorious Revolution. Without equivocation or subtlety, Sir William Blackstone, whose *Commentaries on the Laws of England* was well known to countless lawyers on both sides of the Atlantic, wrote:

Pennsylvania, by playing a prominent part on almost any terms in the repeal. Whatever the origin of the distinction, it was a most unfortunate one, for it misled several ministries and many historians as to the character of America's protest.

On this problem, see Morgan, *Stamp Act Crisis,* pp. 52-58, 150-154, 271-277, 342-346; Bailyn, ed., *Pamphlets,* I, 124-128.

52. Dickinson, *Letters from a Farmer* (McDonald, ed.), pp. 8-10, 13-15, 35-38, 45.

53. Dickinson, *Letters from a Farmer* (McDonald, ed.), p. 7.

54. Dickinson, *Letters from a Farmer* (McDonald, ed.), pp. 7, 56-57.

55. Dickinson, *Letters from a Farmer* (McDonald, ed.), p. 7.

56. Dickinson, *Letters from a Farmer* (McDonald, ed.), pp. 20, 79-80.

> The power and jurisdiction of Parliament says Sir Edward Coke, is so transcendent and absolute, that it cannot be confined, either for causes or persons within any bounds. . . . It hath sovereign and uncontrollable authority in the making, confirming, enlarging, restraining, abrogating, repealing, reviving and expounding of laws, concerning matters of all possible denominations, ecclesiastical or temporal, civil, military, maritime, or criminal: this being the place where that absolute despotic power, which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms. All mischiefs and grievances, operations and remedies, that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal. It can regulate or new-model the succession to the Crown; as was done in the reign of Henry VIII and William III. It can alter the established religion of the land; as was done in a variety of instances, in the reigns of Henry VIII and his three children. It can change and create afresh even the constitution of the kingdom and of parliaments themselves; as was done by the act of union, and the several statutes for triennial and septennial elections. It can, in short, do everything that is not naturally impossible; and therefore some have not scrupled to call its power, by a figure rather too bold, the omnipotence of Parliament. True it is, that what the Parliament doth, no authority upon earth can undo . . . and, as Sir Matthew Hale observes, this being the highest and greatest court over which none other can have jurisdiction in the kingdom, if by any means a misgovernment should fall upon it, the subjects of this kingdom are left without all manner of remedy.[57]

Virtually everything else uttered by the proponents of Parliamentary supremacy was but a variation on Blackstone's theme.

Given these premises, British thinkers reduced the problem to very simple alternatives, complete subservience or independence. If, as William Knox, Under-Secretary of State for the Colonies, asserted, "the authority of the legislative be not in one instance equally supreme over the colonies as it is over the people of England, then are not the colonies of the same community with the people of England. All distinctions destroy this union; and if it can be shown in any particular to be dissolved, it must be in all instances whatever." He went on, "either the colonies are a part of the community of Great Britain or they are in a state of nature with respect to her, and in no case can be subject to the jurisdiction of that legislative power which represents her community which is the British Parliament."[58] George III also saw the

57. Max Beloff, ed., *The Debate on the American Revolution, 1761-1783* (New York, 1965), pp. 90-91.

58. *The Controversy Between Great Britain and Her Colonies Reviewed* (London, 1769), quoted in Bailyn, ed., *Pamphlets,* I, 130.

controversy in much the same mutually exclusive terms: "the dye is now cast, the Colonies must either submit or triumph. . . ."[59] It is perhaps symbolic of Anglo-American differences in perception and response – in many ways the heart of the dispute – that John Adams realized nine months before His Majesty that "The die is cast."[60]

Even America's Parliamentary "friends", although opposed to the ministry's punitive acts, could not get over their Blackstone. No less a supporter of the colonists than Edmund Burke told the New York Assembly's Committee of Correspondence that:

> Every good Englishman, as such, must be a friend to the Colonies; and all true friends to the Colonies, the only *true* friends they have had, or ever can have in England have laid and will lay down the proper subordination of America, as a fundamental, incontrovertible Maxim, in the Government of this Empire. This Idea, to which they tenaciously adhere in the full extent of the proposition, they are of opinion is nothing derogatory to the real essential Rights of mankind which tend to their peace and prosperity, and without the Enjoyment of which no honest Man can wish the dependance of one Country upon another. Very unfortunately, in my poor thoughts, the advice of that sort of Temperate Men has been little attended to, on this side of the Atlantick and rather less on the other. This has brought on misunderstandings and heats, where nothing should exist but that harmony and good correspondence which ought naturally to arise from the entire agreement of their real interests.[61]

In his next letter to the Committee, Burke recommended a change in the form of his appointment as the province's London agent in order "to qualify yourselfs for that Official Communication which *all the Subjects of this Empire ought to hold with the Sovereign Legislature.*"[62] Although willing to concede on the question of taxation for reasons of policy not principle, another "friend", William Pitt, also failed to discern the purport of the colonial argument and insisted that "Our legislative power over the

59. The King to Lord North, Kew, 11 September 1774, Fortescue, ed., *Correspondence of George III,* III, 131.

60. John Adams to James Warren, Boston, 17 December 1773, Adams, ed., *Works of John Adams,* II, 333.

61. 6 April 1774, Copeland, *et al.*, eds., *Correspondence of Burke,* II, 528-529.

62. Westminster, 4 May 1774, Copeland, *et al.*, eds., *Correspondence of Burke,* II, 533; italics mine.

colonies is supreme. When it ceases to be sovereign and supreme, I would advise every gentleman to sell his lands, if he can, and embark for that country."[63]

With the exception of a pitifully small handful of radicals, such as John Wilkes, who wanted a thorough reformation of the English constitution, and some unreconstructed Tories, such as James Boswell, who still did not accept Parliament's control of the crown, no politically articulate Briton concurred with the colonists.[64] This is not surprising, for the logic of the American argument dictated a complete repudiation of Parliamentary authority outside the United Kingdom and an imperial union founded solely on allegiance to a common monarch. This is to be seen as implication in Otis in 1764, as imperfect speculation in Dickinson in 1767, and as full assertion in the answer of the Massachusetts House of Representatives to a speech of Governor Hutchinson in 1773. But this solution granted to the King, albeit only in the dominions, powers not subject to restriction by the British Parliament. The historical consciousness of 1688 impinged too much on the mid-eighteenth century Whig mind, including George III's, to tolerate this kind of constitutional heresy.

By the middle of 1773 a constitutional impasse had been reached in Anglo-American relations. Increasingly the provincials accepted the idea of co-equal parliaments sitting in Westminster, Boston, Philadelphia, Williamsburg, Charleston and other cities of the empire bound together by economic interests, kinship, culture and the common kingship of George III. To almost all Englishmen who counted and to some Americans, and not just those with crown appointments, the truth of the matter lay with Thomas Hutchinson:

> I know of no line that can be drawn between the supreme authority of Parliament and the total independence of the colonies: it is impossible there should be two independent Legislatures in one and the same state; for although

63. Speech in the House of Commons, 14 January 1766, Beloff, ed., *Debate on the American Revolution,* p. 102. Pitt, as Earl of Chatham, later came to accept a greater division of sovereignty for the sake of expediency, but by then it was too late: the die had indeed been cast and Pitt had almost no following. Note his speeches in the House of Lords, 26 May 1774 and 20 January 1775, and his Bill for Settling the Troubles in America, 1 February 1775 (Beloff, ed., *Debate on the American Revolution,* pp. 151-156, 189-202).

64. Guttridge, *English Whiggism,* pp. 61-63.

there may be one head, the King, yet the legislative bodies will make two governments as distinct as the kingdoms of England and Scotland before the Union. . . .[65]

The Governor's polarization of the issue lacked discretion for which perhaps "Hillsbro [Hillsborough, Secretary of State for the Colonies, 1768-1772] would not thank him; for he has thereby defeated the Design of the Ministry, which was to lull the people into Security," but it could not be drawn more sharply.[66] Into this tense situation came "this accursed Tea [which] is the very Match that is appointed to set Fire to a Train of Gunpowder," one which a decade of thought and debate and a night's Tea Party had made singularly explosive.[67]

65. Speech to the Massachusetts Assembly, 6 January 1773, Beloff, ed., *Debate on the American Revolution,* p. 134.

In 1773-1774, "Independence" probably meant only something akin to dominion status in the later Commonwealth of Nations, not separate sovereignty as declared on 4 July 1776. It was, nevertheless, a dangerous word to throw out to the Massachusetts Assembly and thence to the colonial press.

66. Samuel Adams to Arthur Lee, Boston, 9 April 1773, Cushing, ed., *Writings of Samuel Adams,* III, 20.

67. "Extract of a Letter from London, dated March 28, 1774," *Virginia Gazette,* Supplement (Purdie and Dixon), 16 June 1774.

A Note on the Popular Knowledge of the Constitutional Issues.

With great confidence, historians frequently write, as I have, that "Americans thought" or "colonists maintained" such and such. The extent to which ordinary people knew and understood the rather sophisticated arguments of men such as John Dickinson, who received his legal training at the Middle Temple, remains a perennial problem to students of colonial and revolutionary America. Indeed, if at least a sizeable minority did not comprehend the pamphlets and newspaper essays or had no access to some kind of information about the principles at stake, the whole constitutional interpretation tends to fall apart.

I think that the necessary knowledge did exist to sustain a constitutional analysis of the coming of the Revolution. Although property qualifications for the suffrage existed in America as in England, they were easily met in the colonies and a comparatively large proportion of the adult white male population could and did participate in elections, thus provincials had a political awareness derived from actual experience.[1] Newspaper circulation figures, such as they are, suggest the probability of fairly widespread distribution, and the large number of tracts printed indicates that a considerable market existed for such publications.[2] In addition, the newspapers not only carried pieces such as the *Letters from a Farmer;* they also contained simplified versions of the more complex discussions and homey fables which made the same points.[3] Finally, although deference politics, still a force in eighteenth century America, gave an exaggerated influence to the cultured and articulate members of society, it also had an educative function.[4] Benjamin Harrison, a delegate to the First and Second Continental Congresses, recounted an incident to a French traveler which has a special application to the crisis of 1774-1775:

> . . . when he was setting out with Mr. Jefferson and Mr. [Richard Henry] Lee to attend the first Congress [Second Continental Congress] at Philadelphia, a

1. Charles S. Sydnor, *American Revolutionaries in the Making: Political Practices in Washington's Virginia* (New York, 1962), pp. 34-43; Robert E. Brown, *Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780* (New York, 1969), pp. 21-60; John Cary, "Statistical Method and the Brown Thesis on Colonial Democracy" with a rebuttal by Robert E. Brown, *William and Mary Quarterly,* 3rd series, XX (1963), 251-276.

2. Arthur M. Schlesinger, *Prelude to Independence: The Newspaper War on Britain, 1764-1776* (New York, n.d.), pp. 303-304; Bernard Bailyn, ed., *Pamphlets of the American Revolution* (Cambridge, Mass., 1965-), I, 3-8.

3. See, for example, "A CONSTITUTIONAL CATECHISM," *Connecticut Courant,* 21 December 1773; *"A* SHORT STORY,*"Virginia Gazette* (Purdie and Dixon), 6 October 1774.

4. Sydnor, *American Revolutionaries in the Making,* pp. 60-73.

number of respectable but uninformed inhabitants waited upon them and said: 'You assert that there is a fixed intention to invade our rights and privileges; we own that we do not see this clearly, but since you assure us that it is so, we believe it. We are about to take a very dangerous step, but we have confidence in you and will do anything you think proper.' Mr. Harrison added that he was greatly relieved by a speech made by Lord North soon after, in which the latter could not avoid revealing the plan of the British government. Lord North's speech was printed in the newspapers, and all America rang with its contents. Returning afterwards to Virginia, Mr. Harrison saw the same persons who had thus addressed him on his departure, who now confessed that he had not deceived them and that henceforward they were resolutely determined upon war.[5]

Combined or singly, experience, the printed word and respect for local leadership provided the necessary awareness of the fundamental issues in dispute to convince enough Americans to rebel for the sake of constitutional abstractions. This same knowledge also created a not negligible body of Loyalists who sought to defend another view of the constitution.

5. Howard C. Rice, ed., *Travels in North America in the Years 1780, 1781, and 1782 by the Marquis de Chastellux,* 2 vols. (Chapel Hill, N.C., 1963), II, 429.

CHAPTER 2

"A Congress Is Absolutely Necessary"

Life went on in 1774. John Adams bought "my fathers Homestead, and House where I was born" from his brother and speculated on ways to improve it.[1] George Washington "Viewed my Land on Chattin's Run and Goose Creek," and "Attempted to go to Alex[andria] Church, but broke the Pole of the Chariot and returned."[2] Lieutenant General Thomas Gage, Governor of His Majesty's not so loyal Province of Massachusetts-Bay, assured the Secretary at War, that he would "endeavour to settle" a patronage matter for Captain Marsh "to your Lordships Desire."[3] Lord Frederick North excused himself from attendance upon George III at St. James's Palace because he "is just setting out for Oxford to enter his son at the University. . . ."[4] The Carpenters' Company of the City and County of Philadelphia agreed to have chairs and tables made for its new hall and paid Jacob Coree £4. worth of firewood for "Plastering work done in the Hall. . . ."[5] More humble men in the United Kingdom and its colonies planted crops and plied their trades as they had in 1773 or 1770 or 1650. But 1774 was to be different. By All Saints' Eve, 31 October, the Parliament of Great Britain had passed a series of laws to punish Boston for its Tea Party, bring the recalcitrant Massachusetts Yankees into line, and serve notice on the other plantations that insubordination would not be tolerated. At the same time, the King dispatched more regiments to the provinces to enforce respect for the constitution and the supremacy of Parliament. In those same months, Americans from New Hampshire to Georgia overcame many of their mutual suspicions, patched up their quarrels, continued to theorize about the nature of sovereignty and empire, convened an intercolonial congress, and laid the foundation for the American union.

1. L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 87-88.

2. John C. Fitzpatrick, ed., *The Diaries of George Washington, 1748-1799,* 4 vols. (Boston, 1925), II, 145, 148.

3. Thomas Gage to William, Viscount Barrington, Boston, 6 July 1774, Clarence E. Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State, and with the War Office and the Treasury, 1763-1775,* 2 vols. (New Haven, 1931-1933), II, 649.

4. Lord North to the King, Bushy Park [? March 1774], Sir John Fortescue, ed., *The Correspondence of King George the Third from 1760 to December 1783,* 6 vols. (London, 1928-1929), III, 89.

5. *An Act to Incorporate the Carpenters' Company* (Philadelphia, 1873), p. 42; J. Worrell's Cash Record, 8 April 1774, Antiques, Curiosities and Memoranda, Carpenters' Company Library.

In the transatlantic world of the eighteenth century, news and events moved slowly. It took five weeks for the first reports of the Tea Party to reach the United Kingdom, another nine for the legislative process to run its full course from first cabinet discussions to royal assent to the Port Bill,[6] and six more weeks for the law to arrive in Boston. During the interval, the tension and concern of uncertainty and distance gave rise to much speculation and hearsay on both sides of the ocean. The imperial capital fed on rumor throughout the late winter and early spring of 1774. Londoners bruited it about in March that the administration wanted to reimpose the Stamp Act, that the ministry would offer the colonists representation in the House of Commons, that Massachusetts would lose its charter, that the French and Spanish "endeavour, by their wretched emissaries, to spread the flames of discontent" in the provinces, and that orders had gone out to arrest Samuel Adams, John Hancock and others.[7] In April they heard that the "American matters had been preconcerted, and that the measures adopted were settled at private councils; and that the late enquiry, which gave sanction to them, was undertaken at the instance of a great personage," George III; that more tea would go to Boston with troops to protect it; that the King planned to knight and promote Thomas Hutchinson; that "the North-American charters, like other literary lumber, will soon be declared no tangible substances," and that *"America,* the last resort of retiring *Freedom,* is now to be invaded, and the fugitive driven from her peaceful recesses there, that she may find no resting place on this side of Heaven."[8] Accounts of economic distress also began to circulate in England in April and May.[9] Eventually these same stories reached the dominions where they often became hard news in the press.

6. This was regarded by contemporaries as being extraordinarily fast (*Virginia Gazette* [Purdie and Dixon], 9 June 1774).

7. *South-Carolina Gazette,* 23 May, 3 June 1774; *South-Carolina and American General Gazette,* 27 May 1774. The dates of the reporting of these London rumors in the colonies offer a measure of the time problem in communication.

8. *Providence Gazette and Country Journal,* 28 May 1774; *South-Carolina Gazette,* 13 June, 20 June 1774.

   More tea was sent to Boston, and on the night of 7 March 1774 the town had a little tea party at which twenty-eight and a half chests of the herb "were drowned" in the harbor (Butterfield, ed., *Adams Diary,* II, 91).

9. *Virginia Gazette* (Purdie and Dixon), 18 August 1774; Benjamin Franklin to Thomas Cushing, London, 2 April 1774, Albert Henry Smyth, ed., *The Writings of Benjamin Franklin,* 10 vols. (New York, 1905-1907), VI, 225; Peter Force, ed., *American Archives,* 4th series: *Containing a Documentary History of the English Colonies in North America from the King's Message to Parliament, of March 7, 1774, to the Declaration of Independence,* 6 vols. (Washington, 1837-1846), I, 236.

The colonials had other English sources of apprehension and encouragement which appeared in the local newspapers and were frequently transmitted from one weekly to another. An "Extract of a letter from London, April 8, 1774" exhorted the provincials, *"The eyes of all Europe are now turned to North America. It must soon be determined whether they are men, and deserve that freedom which Heaven has put in their power; or whether they have the submissive spirit of a Spaniel that was formed to fetch and carry, and be kicked into submission."* Becoming even more hyperbolic, the correspondent cautioned, *"The Minister, conscious of the badness of his cause, has called out all the Dogs of Hell to* bark *at the Americans: Never were the public papers so filled with the invectiveness of hireling writers."* He went on to point out *"that there never was more need of a* general convention *of the provinces than at present; such a thing would raise the idea of vigour and unanimity among them, and terrify their enemies."* In the same high tone, he concluded, that if the colonists submit, *"I shall wish that I had been born in France, that land of freedom, or what may express the same idea: Every American will soon wish that he had never been born, for* not to be, *is better than* to be a Slave."[10] From New York and Philadelphia, South Carolinians read another warning "of the bitter things that are meditated *against America* and *thro' her* against *England itself,* and *that constitution,* by which it has long been distinguished among the nations, as a *land of freedom* and happiness and an *asylum* against tyranny and oppression — "[11] The columns of newspapers up and down the seaboard carried many similar admonitions which characteristically employed the very emotive catch phrases of the "real Whigs," phrases such as "A Plan of Despotism and arbitrary Power," "most daring stretch of the prerogative of the crown," "provision for myrmidons, placemen, and pensioners, despotically disposed of among tools and dependents," "swallowed up by our Luxury, Effeminacy, and Avarice," "the Pyms and the Hampdens of a former Period," "subvert your whole Constitution," and "Parasites and Flatterers."[12]

10. *South-Carolina Gazette,* 3 June 1774. The *Gazette* of 23 May contained an example of such hellish yapping: "The American patriots adopt a very whimsical article into their political creed, and insist that they are subjects to the *King* of England, and not to the *English* nation. Hence it is, that they claim a right of paying only a discretionary obedience to our parliamentary authority. — But these sage politicians should recollect, that by the [Glorious] revolution, as well as the act of settlement, the English nation disposed of the Crown as they thought proper, and that it is entirely *thro'* the gift *thus conferred,* the King possesses his title to every acre of British America." So much for a decade of American constitutional thought.

11. *South-Carolina Gazette,* 13 June 1774. This same letter appeared in the *Virginia Gazette* (Purdie and Dixon), 9 June 1774, with a New York date line of 25 May 1774. It was originally distributed in print on the backs of copies of the Boston Port Bill in New York on 14 May. Its publication immediately evoked charges and denials that it was fraudulent (Force, ed., *American Archives,* 4th series, I, 289).

12. *Virginia Gazette* (Purdie and Dixon), 9 June, 16 June, 30 June, 25 August 1774; *Virginia Gazette* (Rind), 22 September 1774.

Couched in very similar rhetoric, private letters conveyed much the same message across the Atlantic. William Lee wrote from London to his brother Richard Henry Lee that "the K[ing] with his usual obstinacy and tyr[annica] l disposition, is determined, if it be possible, to inslave you all," and presented Americans with "real Whig" alternatives "to resist united and most probably be free, or to submit and be slaves at once."[13] Another brother, Arthur, described Lord North as "Plausible, deep, and treacherous, like his master," the King, and as a "perfect adept in the arts of corruption. . . ."[14] Arthur Lee also asked John Dickinson to resume his pen to combat the Boston Port Bill, an act which "will show you, what a spirit of violence & injustice prevails in Parliament." According to Lee, "the iniquity" of the debate on the law in Parliament "is but too manifest," and clearly indicated "that this punishment of Boston was in terrorem to all the Colonies, to make them submit to the right & exercise of taxation by Parliament."[15] William Lee sent to the "Farmer" a set of political "Axioms" which included "the K[ing] is your most implacable enemy & would risk his C[rown] to enslave you, as well as this Country," that George III's "Conscience keepers Lords Bute & Mansfield, with their tool Wedderburne, have the same sentiments & will never cease but from compulsion, to persecute Liberty," and that Lord North "is by nature, most avaritious, persevering in Wickedness, deceitful, cuning & tyrannical, & to keep his place, is willing to execute any schemes, however infamous, that shall be plan'd by his Masters." He, too, raised a seventeenth century Whig specter of James II with the terrifying information that "General Gage's family are notorious Roman Catholics & he is strongly suspected to be of the same persuasion – General Carlton . . . is gone over to his Government of Quebec, to forward the plan of the Late [Quebec] Act, with orders immediately to imbody ar[med? – MS damaged] Militia of 30,000 Roman Catholic Canadians, to . . . [MS damaged] the detestable scheme of Tyranny already begun at Boston."[16]

13. 17 March 1774, Worthington C. Ford, ed., *Letters of William Lee, Sheriff and Alderman of London; Commercial Agent of the Continental Congress in France; and Minister to the Courts of Vienna and Berlin, 1766-1783,* 3 vols. in 1 (New York, 1971), I, 83, 85.

14. To Richard Henry Lee, London, 18 March 1774, Force, ed., *American Archives,* 4th series, I, 229.

15. Temple, 2 April 1774, R. R. Logan Collection, John Dickinson Papers, 22-1, Library Company of Philadelphia.

16. To John Dickinson, London, 25 July 1774, R. R. Logan Collection, John Dickinson Papers, 22-2, Library Company of Philadelphia.

The language and content of both public and private writings within the provinces followed the same vituperative and fearful pattern. The *Virginia Gazette* reprinted a verse "Epitah. *To the Memory* of Alexander Wedderburne," which compressed his life into "LUST for / Wealth, Power, and Popularity," which he sought through "A Seat in the HOUSE OF COMMONS, / Where he embraced the Principles, / And followed the Practice, of a Company / of STATE PROSTITUTES." Unsated, "He was led from one Degree of Venality to another; / Until he was at last prevailed upon / To committ MURDER upon the Character / Of an illustrious AMERICAN PATRIOT and PHILOSOPHER, / And HIGH TREASON against / BRITAIN and HER COLONIES." This was paired with a like piece on Thomas Hutchinson, "an Enemy to / Virtue, Liberty, and his Country. / Let Antiquity be dumb, nor / Reproach with Obloquy her CATALINES, CALIGULAS, and NEROS, / Since Mankind are here furnished / With an Instance of Depravity which / Includes with their Guilt the / BASEST HYPOCRISY."[17] A writer to the *Boston Evening-Post* observed, "that Britain declines in virtue, liberty and political wisdom," but hoped that "her Sons being roused by Americans, may shake off the infamous shackles of arbitrary power, and no longer have *masters* instead of *servants,* to rule the *state.*"[18] South Carolina "*Friends* of *constitutional Liberty*" read that "the *Spirit* of *true* PATRIOTISM has not been *extinguished* in NEW ENGLAND. . . ."[19] In addition, the colonial newspapers extracted from their English counterparts the unsettling news and gossip of London.[20] For the benefit of a less sophisticated audience upon whom the classical and real Whig symbols of tyranny may have been lost, a contributor to the *Connecticut Courant* prepared "A CONSTITUTIONAL CATECHISM."[21] If a catechism suited Congregationalist Connecticut, a fable on the need for firmness with slaves taught simple Virginians the way to make Great Britain behave.[22] And certainly no one could have missed the point of a handbill found posted in various parts of Farmington, Connecticut, on 19 May:

> 2d. That the present Ministry, being instigated by the Devil, and led on by their wicked and corrupt hearts, have a design to take away our liberties and properties, and to enslave us for ever.

17. (Purdie and Dixon), 2 June 1774. Wedderburn as Solicitor-General had played a prominent part in the humiliation and dismissal from office of Franklin in January 1774.

18. 14 February 1774.

19. *South-Carolina Gazette,* 20 June 1774.

20. See above, p. 25, fn. 7-9.

21. 21 December 1773.

22. "*A* SHORT STORY," *Virginia Gazette* (Purdie and Dixon), 6 October 1774.

. . . .

4th. That those pimps and parasites who dared to advise their master to such detestable measures, be held in utter abhorrence by us and every *American,* and their names loaded with the curses of all succeeding generations.[23]

A flood of words of liberty, corruption, despotism, constitutionalism was directed at all ranks of society and completed John Adams's revolution "in the Minds of the People."

The private letters exchanged by leaders of the American cause reflected even less restraint than the public press. That master of political action and invective, Samuel Adams, riddled his correspondence with warnings against "the Torrent of Corruption," against Hutchinson "who for Art & Cunning as well as an inveterate hatred of the people was inferior to no one of the Cabal," against "the ravishing Hand of lawless & brutal Power" and against "ministerial Resentment."[24] Apprehensive about "arbitrary measures" and "the arms of these tyrannts," Silas Deane viewed the trans-Allegheny west as a possible refuge.[25] From Pennsylvania, Benjamin Rush optimistically described the colonial cohesiveness "which no artifices of a ministry will be able to break" and found that "Our merchants are alive to sentiments of liberty and public virtue," merchants who "have twice rescued America from slavery. . . ."[26] In the upper South, Richard Henry Lee thought that coolness, firmness and unity would secure the provinces "from a Systematic plan of despotism, that has already fallen with a heavy hand on every part of the Empire," and denounced "the Nefarious proceedings of the Privy Council. . . ."[27] To his brother Arthur he wrote of "the immense danger to America, when the dirty Ministerial Stomach is daily ejecting its foul contents upon us. . . ."[28] The much less passionate Washington assured a neighbor:

23. Force, ed., *American Archives,* 4th series, I, 336.

24. Samuel Adams to Joseph Hawley, Boston, 13 October 1773; to Arthur Lee, 25 January 1774; to James Warren, Boston, 31 March 1774; to John Dickinson, 21 April 1774, Harry Alonzo Cushing, ed., *The Writings of Samuel Adams,* 4 vols. (New York, 1968), III, 59, 79, 93, 105.

25. To Samuel H. Parsons, Wethersfield, 13 April 1774, *Correspondence of Silas Deane, Delegate to the First and Second Continental Congress, 1774-1776, Collections* of the Connecticut Historical Society, II (1870), 132. Many Connecticut land speculators had a particular interest in the west.

26. To Arthur Lee, Philadelphia, 4 May 1774, L. H. Butterfield, ed., *Letters of Benjamin Rush,* 2 vols. (Princeton, 1951), I, 85.

27. To Samuel Adams, Chantilly, Virginia, 24 April 1774, and Williamsburg, 8 May 1774, James Curtis Ballagh, ed., *The Letters of Richard Henry Lee,* 2 vols. (New York, 1911-1914), I, 108, 110.

28. Chantilly, 26 June 1774, Ballagh, ed., *Letters of R. H. Lee,* I, 114.

> the Ministry may rely on it that Americans will never be tax'd without their own consent [,] that the cause of Boston [,] the despotick Measures in respect to it I mean [,] now is and ever will be considered as the cause of America (not that we approve their conduct in destroy[in]g the Tea) and that we shall not suffer ourselves to be sacrificed by piece meals [,] though god only knows what is to become of us, threatned as we are with so many hover[in]g evils over us at present. . . .[29]

Although looking to the North for guidance, a spokesman for the more advanced patriots in the lower South promised that "we'll make the Jesuitical mist of cunning vanish before us."[30]

In the real Whig political culture of British North America, words such as "tyranny," "despotism," "cunning," "Jesuitical" and "corruption" evoked a set of images reminiscent of the seventeenth century English struggle for constitutional liberty against the absolutist tendencies of the Stuart monarchs.[31] It did not matter that the objective reality of 1774 perhaps failed to justify this fearful, aggressively defensive reaction or that George III was hardly trying to be Charles I or James II. The subjective perception of Britain's innovative efforts to rationalize imperial control and to collect a revenue resembled the not too distant past enough to cause genuine alarm. After all, with the King's blessing, Parliament had in fact tampered with the Massachusetts charter just as James II had attacked the chartered privileges of England's municipalities and corporations, Archbishop Thomas Secker had endeavored to alter the religious establishment by sending an Anglican bishop to the colonies, and to provincials little constitutional difference existed between George III's Stamp Act and Charles I's Ship Money.

Doubtless the tradition, the words and the acts created a situation extremely ripe for the exaggeration of propagandists which was exploited to the full by the very

29. To George William Fairfax, Williamsburg, 10 June 1774, John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799,* 39 vols. (Washington, 1931-1944), III, 224.

30. Christopher Gadsden to Samuel Adams, Charles Town, 5 June 1774, Richard Walsh, ed., *The Writings of Christopher Gadsden, 1746-1805* (Columbia, S.C., 1966), p. 96.

31. On the importance of the "real Whig" tradition to Americans, see above, ch. 1, pp. 10-11. On the significance of this rhetoric, see J. G. A. Pocock, *Politics, Language and Time: Essays on Political Thought and History* (New York, 1971), esp. "Civil Humanism and Its Role in Anglo-American Thought" and "Machiavelli, Harrington and English Political Ideologies in the Eighteenth Century."

skillful Samuel Adams and others.[32] However, this rhetoric of the real Whigs appeared not only in newspapers, pamphlets and broadsides or in private correspondence from radicals to moderates.[33] As an inherent part of political thought and discourse, it also made its mark in letters exchanged by men and women of similar persuasion and even by brothers with identical views.[34] Indeed, the attitude seems to have had an infectious quality; within a year of his arrival in New York, Charles Lee, a former British officer, wrote to General Gage, of all people:

> I am convinc'd that the Court of Tiberius or Phillip the Second were not more hostile to the rights of mankind than the present Court of G. Britain. I cannot help thinking it one of the greatest curses fall'n on mankind that They should be endued with sufficient art to seduce or delude men of the best hearts and heads. . . . As to North, my opinion of him is this, and (I have known him a long time) that did he hear of a single freeman in the remotest part of the World, He wou'd willingly put his country to the expense of furnishing forth an Army and fleet for the sole pleasure of destroying that single freeman.[35]

Within the American political heritage and concept of limited government, this language constituted more than the material of propaganda; it was also a culturally rich expression of perceived reality, a lens through which objective reality was seen and organized.

Publicly and privately, in the mother country and the colonies, men saw that the success of American opposition "depends upon pursuing their wise Plan of Union in Principle & Conduct."[36] This concern for unity had a very real foundation, for many

32. On propaganda, see Philip Davidson, *Propaganda and the American Revolution, 1763-1783* (Chapel Hill, N.C., n.d.), and Arthur M. Schlesinger, *Prelude to Independence: The Newspaper War on Britain, 1764-1776* (New York, n.d.).

33. E.g., Samuel Adams to John Dickinson, as cited above.

34. E.g., Samuel Adams to Joseph Hawley and James Warren, and the Lees, Richard Henry, William and Arthur, as cited above; Abigail Adams to Mercy Otis Warren, Boston, 5 December 1773, L. H. Butterfield, ed., *The Adams Papers: Adams Family Correspondence* (Cambridge, Mass., 1963-), I, 88-89.

35. [1774], *The Lee Papers, Collections* of the New-York Historical Society, IV (1871), 133-134, Charles Lee was not a Virginia Lee.

36. Samuel Adams to Joseph Hawley, Boston, 13 October 1773, Cushing, ed., *Writings of Samuel Adams,* III, 62. See also, Richard Henry Lee to [Landon Carter], Chantilly, 25 April 1774, Ballagh, ed., *Letters of R. H. Lee,* I, 109; William Lee to Richard Henry Lee, London, 17 March 1774, Ford, ed., *Letters of W. Lee,* I, 84-85; *South-Carolina Gazette,* 13 June 1774.

"doubts and apprehensions, fears and jealousies" divided the provincials.[37] Religious diversity made Congregationalists distrustful of Anglicans and Quakers suspicious of Presbyterians. Differences in culture and language separated the people of non-English origin from the dominant ethnic group in the colonies. Old animosities created a marked wariness in the relations of the Irish and Scots-Irish with the English in America. Varied economic interests convinced many of the greed and self-seeking of the inhabitants of sections other than their own. Years of political abuse and arrogance raised doubts among westerners about the real motives of eastern leaders. Conflicting land claims almost led to war between Virginia and Pennsylvania on the eve of the Revolution, and Pennsylvanians had a very strong dislike for the intruding Connecticut Yankees of the Wyoming Valley. Even among the comparatively few delegates to the First Continental Congress, "the different Forms of Government in the several Colonies, different Educations, Books, & Company naturally occasion the viewing political Objects in a light not always the same. . . ."[38] And Joseph Hawley thought it necessary to remind John Adams shortly before the latter's departure for Philadelphia in 1774 "that you will meet Gentlemen from several of the other Colonies fully equal to yourselves [the Massachusetts representatives] or any of you in their knowledge of Great Britain, the Colonies, Law, History, Government, Commerce &c."[39] As crisis moved to crisis since the early 1760's, an increasing number of provincials, especially "the men of weight and influence," came to regret the direction events and sentiments had taken, and the plantations did not lack a substantial body of people from all ranks of society who either supported the United Kingdom in the controversy or simply did not care one way or another.[40] Finally, the structure of the British Empire had not engendered a particular sense of unity, for the lines ran from each individual province to the mother country, not from any American agency or center to the imperial capital. Indeed, politics and economics put tidewater Virginia and North Carolina into

37. John Adams to James Lloyd, Quincy, 24 April 1815, Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author,* 10 vols. (Boston, 1850-1856), X, 163. Although Adams was referring specifically to the Continental Congresses of 1774 and 1775, his comment applies to the colonists at large even more than to their delegates.

38. Samuel Ward to Henry Marchant, Philadelphia, 7 October 1774, Ward Papers, Rhode Island Historical Society.

39. Northampton, 25 July 1774, Adams Papers (Microfilm), Massachusetts Historical Society, Pt. IV, 344: 15 January 1767-July 1775; printed in Adams, ed., *Works of John Adams,* IX, 342-346.

40. James and Drinker to Pigou and Booth, Philadelphia, 31 May 1774, James and Drinker Letter Book, Historical Society of Pennsylvania; William Nelson, *The American Tory* (Boston, 1964), pp. 1-20, 85-92.

closer touch with Britain than with the northern colonies.[41] These many divisive elements gave the quality of ritual incantation to the many pleas for union "in the Common Cause of America": repeated often enough perhaps the very parochial colonists would find themselves Americans with a "Common Cause."[42]

Although hardly insignificant, these differences did not pose insurmountable obstacles to the necessary sense of unity. Over the years, successive British ministries had offended Americans of all sections and pursuits. The Proclamation Line of 1763 threatened the western frontiersman as much as the eastern land speculator. Ships idled by the depression of 1764-1765, worsened by the Currency Act of 1764, hit merchants, seamen, longshoremen, shipwrights and ropewalkers alike. Virginia Anglicans, accustomed to lay control of the church through the local vestry system, looked forward to an American episcopate no more than Pennsylvania Quakers or Massachusetts Congregationalists did. The American Act of 1764 irritated merchants, shippers and commercial agriculturalists, and the Stamp Act outraged two very articulate groups, lawyers and printers. Colonial success and British failure against the Indian uprising of 1763-1764 brought home a message to westerners. In virtually every royal and proprietary colony disputes had taken place between the governor and the assembly which alienated people from the mother country. Additional controls, implemented or proposed, affected both English and non-English inhabitants, and neither the Germans, nor the Irish, nor the Scots-Irish had any reason to be overly attached to government as such.[43] All of this and more gave substance to the political perception and rhetoric of the real Whig heritage. The Tories, although numerous, could do little to overcome the effects of this tradition and British policy, for they suffered greater disarray than the patriots: at one time or another, many, including Thomas Hutchinson, had supported opposition to specific ministerial measures; they had no positive program to offer, and they lacked cohesiveness. Most important to the reduction of parochialism and the formation of unity, however, was a mechanism of communication and organization, the committees of correspondence.

41. Carl Bridenbaugh, *Myths and Realities: Societies of the Colonial South* (Baton Rouge, 1952), p. 4. On this, Samuel Adams expressed his annoyance that the "best Intelligence we have had of that tragical Scene [in North Carolina], has been brought to us from England!" (To Richard Henry Lee, Boston, 10 April 1773, Cushing, ed., *Writings of Samuel Adams,* III, 26).

42. E.g., Samuel Adams to Stephen Hopkins, Boston, 18 May 1774, Cushing, ed., *Writings of Samuel Adams,* III, 116.

    For detailed discussions of some of these intercolonial and intracolonial conflicts, see Lawrence Henry Gipson, *The British Empire Before the American Revolution,* XI: *The Triumphant Empire: The Rumbling of the Coming Storm, 1766-1770,* 15 vols. (Caldwell, Ida. and New York, 1936-1970), ch. 9, 10, 11, 14, 15.

43. On the many irritants, see Bernhard Knollenberg, *Origin of the American Revolution, 1759-1766* (New York, 1961).

Alarmed by London's reaction to the *Gaspee* incident and "much disturbed by various Rumours and Reports of Proceedings tending to deprive them of their ancient, legal and constitutional Rights," on 12 March 1773 the Virginia House of Burgesses recommended the appointment of committees of correspondence "by the different Assemblies of the *British* Colonies on this Continent. . . ." These committees were

> to obtain the most early and authentic Intelligence of all such Acts and Resolutions of the *British* Parliament, or Proceedings of Administration, as may relate to, or affect, the *British* Colonies in *America,* and to keep up and maintain a Correspondence and Communication with our Sister Colonies respecting these important Considerations. . . .

At the same time, the Virginia House selected its own committee of eleven members, including Peyton Randolph, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry and Richard Bland, six of the colony's seven delegates to the First Continental Congress.[44] Samuel Adams, who "often thought it a Misfortune, or rather a Fault in the Friends of American Independence and Freedom, their not taking Care to open every Channel of Communication," received these "truly patriotick Resolves" with delight and hoped for "the hearty Concurence of every Assembly on the Continent."[45]

The New England colonies responded with extraordinary speed in the fulfillment of Adams's wish. The two corporate colonies, with their popularly elected governors and legislatures, acted first. Rhode Island formed a committe on 7 May, followed two weeks later by Connecticut.[46] On 28 May, the New Hampshire lower house, "ever looking on the whole [i.e., the colonies] as embarked in the same common bottom,"

44. Resolves of the House of Burgesses of Virginia, 12 March 1774, Gertrude MacKinney and Charles F. Hoban, eds., *Pennsylvania Archives,* 8th series, 8 vols. (Harrisburg, 1931-1935), VIII, 6969-6970. On the burning of H. M. *Gaspee,* see Gipson, *British Empire,* XII: *The Triumphant Empire: Britain Sails into the Storm,* 24-38.

45. To Richard Henry Lee, Boston, 10 April 1773, Cushing, ed., *Writings of Samuel Adams,* III, 25-27.

46. John Russell Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations in New England,* 10 vols. (Providence, 1856-1865), VII, 228; First Continental Congress delegate Stephen Hopkins was on the committee. J. H. Trumbull and C. J. Hoadly, eds., *The Public Records of the Colony of Connecticut, 1636-1796,* 15 vols. (Hartford, 1850-1890), XIV, 156; committeeman Silas Deane represented Connecticut at the Congress.

named a committee of seven.[47] That same day, "fully sensible of the Necessity and Importance of an Union of the several Colonies in America, at a Time when it clearly appears that the Rights and Liberties of all are systematically invaded," the Massachusetts House of Representatives expressed its gratitude to the Virginians "for the Vigilence, Firmness and Wisdom, which they have discovered at all Times in Support of the Rights and Liberties of the American colonies" and by a vote of 109 to four appointed a committee of fifteen.[48] Thus by the end of May 1773, the four New England provinces and Virginia had taken the first step toward union.

For one reason or another, acceptance of Virginia's suggestion came about more slowly in the other colonies. On 8 July, the South Carolina Commons House of Assembly determined that the standing committee to correspond with its London agent should also act as an intercolonial committee of correspondence.[49] Although in session throughout much of the summer, the Georgia Commons House did not formally discuss the matter until 10 September; it then added intercolonial communication to the responsibilities of its regular committee of correspondence. The resolutions of this small, weak, exposed and economically dependent colony contained none of the fire of Virginia's or Massachusetts's; they merely set up the committee and voiced appreciation to Virginia and Rhode Island for reporting "their Intentions firmly to Support the rights and Privileges of his Majesty's faithful and loyal Subjects in America. . . ."[50] In Maryland, the Virginia and Rhode Island resolutions were read to the lower house and ordered to lie on the table on 18 June; the House decided on 1 July to take them up the next day, but instead it returned to long-standing feuds with Governor Robert Eden who had behaved in an "illegal, arbitrary, unconstitutional and

47. John Wentworth to Peyton Randolph, Portsmouth, 28 May 1773, Nathaniel Bouton, *et al.*, eds., *Documents and Records Relating to the Province [Towns and State] of New Hampshire, 1623-1800,* 40 vols. (Concord, Manchester and Nashua, 1867-1943), VII, 329-333. The New Hampshire resolutions and Wentworth's letter are dated 27 May in Bartlett, ed., *Rhode Island Colony Records,* VII, 228-229.

    Neither of New Hampshire's two delegates to the First Continental Congress served on the province's committee of correspondence.

48. *Journal of the Honorable House of Representatives of His Majesty's Province of the Massachusetts-Bay, in New-England, Began and held at Boston, in the County of Suffolk, on Wednesday the Twenty-sixth Day of May, Annoque Domini, 1773* (Boston, 1773), pp. 12, 14. The committee included Congressional delegates Thomas Cushing and Samuel Adams.

49. Journals of the Commons House of Assembly of South Carolina, 1772-1775 (Library of Congress microfilm), p. 27. Committee members Thomas Lynch, John Rutledge and Christopher Gadsden represented their colony at the Congress.

50. Allen D. Candler, ed., *The Colonial Records of the State of Georgia,* 26 vols. (Atlanta, 1904-1916), XV, 521-527. Georgia sent no delegates to the First Continental Congress.

oppressive" manner. He prorogued the Assembly until 11 October, leaving the House without a committee of correspondence. The legislature next met on 13 October and immediately returned to the earlier letters and resolutions as well as new ones from Massachusetts and Connecticut; within two days Maryland "most cordially accept[ed] the Invitation to a mutual Correspondence with our Sister Colonies" and appointed a committee.[51] The Pennsylvania Assembly did not receive the Old Dominion's recommendation until 21 September, having stood adjourned since 26 February. Four days later the Speaker, Joseph Galloway, signed a letter to the speakers of the Virginia, Massachusetts, Connecticut and Rhode Island legislatures assuring them that the Pennsylvanians "esteem it a Matter of the greatest Importance to cooperate with the Representatives of the other Colonies in every wise and prudent Measure which may be proposed for the Preservation and Security of their general Rights and Liberties. . . ." The new Assembly gathered on 14 October and ordered the standing committee of correspondence to serve as an intercolonial committee as well two days later.[52] Pennsylvania's willingness to participate in "every wise and prudent Measure" perhaps reflected much more coolness toward the cause than Massachusetts's belief "that the Authority assumed and now forceably exercised by Parliament over the Colonies is utterly subversive of Freedom in the latter"; nevertheless, the large, centrally located, polyglot, conservative, Quaker province did engage itself to communicate regularly with the more advanced plantations. A long recess also deferred a decision in Delaware, but on 23 October it too chose a committee, because "a Plan for abridging the *American* Colonies of *British* Liberties seems not only to have been advised and adopted but steadily pursued by the *British* Ministry. . . ."[53] The still bleeding wounds of the North Carolina Regulator movement, which made Loyalists of many westerners in 1775, embittered relations between Governor Josiah Martin and the lower house. The latest in a series of disputes provoked Martin to dissolve the Assembly on 9 March and to order writs issued for a new one to meet on 1 May; however, he kept it prorogued until 4 December while awaiting further instructions from Britain. On 8 December the North Carolina House of Assembly thanked the Virginians, "heartily concur[red] with their Spirited Resolves," and named a nine-member committee of correspondence.[54] Despite delays, by the end of 1773, eleven provinces had

51. W. H. Browne, *et al.*, eds., *Archives of Maryland,* 65 vols. (Baltimore, 1883-1952), LXII, 345, 385, 388, 390, LXIV, 18, 23-24. The Maryland committee included four of the colony's five members of the Congress, Matthew Tilghman, William Paca, Thomas Johnson and Samuel Chase.

52. MacKinney and Hoban, eds., *Pennsylvania Archives,* 8th series, VIII, 6965, 6969-6976, 6984-6985, 7037. Four future Congressmen, Samuel Rhoads, John Morton, Thomas Mifflin and Joseph Galloway, served on the committee.

53. MacKinney and Hoban, eds., *Pennsylvania Archives,* 8th series, VIII, 7044-7047. All of Delaware's delegates to the Congress, Caesar Rodney, Thomas McKean and George Read, were on the committee.

54. William L. Saunders, ed., *The Colonial Records of North Carolina,* 10 vols. (Raleigh, 1886-1890), IX, 596, 707, 737, 740-741. Committee members Richard Caswell, Joseph Hewes and William Hooper represented North Carolina at the First Continental Congress.

committed themselves to the erection of a potentially unifying mechanism, and of the eleven, only Georgia and the Pennsylvania of Joseph Galloway, who was fated to die an exile in England thirty years later, had done so with something less than enthusiasm. In view of the many intercolonial rivalries and jealousies, this accomplishment borders on the miraculous, and provides ample testimony to America's fear of the ministry and the political genius of the provincial leaders.

The two remaining colonies, New York and New Jersey, did not endorse the movement for committees of correspondence until early 1774. The short sessions of colonial legislatures explain the tardiness of the former. Having completed its business on 8 March 1773, the New York Assembly stood prorogued until 6 January 1774. Upon gathering in the new year, the lower house, which was probably the most conservative one in the thirteen provinces, acted with dispatch, appointing a committee of correspondence on 20 January.[55] New Jersey's legislature had adjourned on 26 September 1772 and did not meet again until 10 November 1773. Speaker Cortland Skinner laid the letters and resolutions from Massachusetts, Virginia, Connecticut, Rhode Island and Delaware before the House almost at once, but nothing happened until 22 December when they were read a second time and further discussion postponed. To some extent the representatives put off this question because of the pressure of routine matters and "the Affair of the Robbery of the Treasury, which had remained so long enveloped in Darkness" and which doubtless interested the House more than the creation of yet another committee.[56] The traditional Quaker domination of what had been West New Jersey also imposed a check in the Assembly on the more spirited descendants of Dutch and New England settlers in East New Jersey. In addition, Governor William Franklin, the natural son of Benjamin Franklin, "took some Pains with several of the principal Members" to prevent the colony's joining the other twelve. He told them that the formation of a committee of correspondence "is . . . very absurd, if not unconstitutional, and cannot even answer their Purpose," for if it should attempt "anything improper," the governor could simply dissolve the House at which time "the power of its Committees is of course annihilated." Legally correct, Franklin lost his case when the New York lower house

55. *Journal of the Votes and Proceedings of the General Assembly of the Colony of New-York; Began the 6th of January, 1774, and ended by Prorogation the 19th of March following* (New York, 1774), pp. 17-19. The committee included only one future Congressional delegate, Simon Boerum.

56. *Votes and Proceedings of the General Assembly of the Colony of New-Jersey. At a Session Began at Burlington, Wednesday, November 10, 1773, and Continued until the 11th Day of March Following. Being the Second Session of the Twenty-Second Assembly of New-Jersey* (Burlington, 1774), pp. 5, 117; W. A. Whitehead, *et al.*, eds., *Archives of the State of New Jersey,* 1st series: *Documents Relating to the Colonial History of the State of New Jersey,* 42 vols. (Newark and Trenton, 1880-1949), XVIII, 396; William Franklin to the Earl of Dartmouth, Burlington, 28 February 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 425.

nominated a committee. The New Jersey legislature "did not choose to appear singular," and on 8 February 1774 became the thirteenth colony to name a committee of correspondence.[57]

Established in every instance by assembly resolution, these committees had the same sanction as any other legislative standing committee. Functionally, however, they transcended the constitution, for they forged formal links between the colonies which had no recognized existence within the imperial structure. Their uniqueness went beyond this, since, contrary to Governor Franklin's narrow legalism, the committees "act in recess of the courts," i.e., the legislatures, which "in some measure defeats and counteracts the powers reserved to the governors, in what are called loyal governments, of proroguing or dissolving the assembly at pleasure."[58] In effect, the thirteen houses of representatives, the only locally based and responsible governmental body in most of the provinces, erected an extra-constitutional organization of concert which in time became the foundation for American institutions parallel to and subversive of British administrative agencies.

Quite naturally, the reaction to this committee system varied considerably. Confronted by "Conspirators against their common Rights," "Oppression and Tyranny," Samuel Adams saw immediately "How necessary then is it; that *All* [colonies] should be early acquainted with the particular Circumstances of *Each,* in Order that the Wisdom & Strength of the whole may be employed upon every proper Occasion."[59] With a marked sense of political timing, Richard Henry Lee asked Adams for "particular intelligence from you. At the same time, it will be highly conducive to the general good, that your Corresponding Committee write a public letter to Ours on any such occasion [news from England]. Its reception whilst the Assembly is sitting will be the most fit time for information coming to hand."[60] The Secretary of State for the Colonies agreed with Governor Franklin as to their "inutility & general impropriety," but thought it futile to try to stop them.[61] The actual operations of the committees completely eluded at least one royal governor. Ten months after his

57. William Franklin to the Earl of Dartmouth, Burlington, 31 May 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 458; *New Jersey Votes and Proceedings, 1773-1774,* p. 122. Two members of the committee, James Kinsey and Stephen Crane, attended the First Continental Congress.

58. Thomas Hutchinson to the Earl of Dartmouth, 10 July 1773, quoted in Edward D. Collins, "Committees of Correspondence of the American Revolution," American Historical Association, *Annual Report* (1901), I, 255.

59. To Richard Henry Lee, Boston, 10 April 1773, Cushing, ed., *Writings of Samuel Adams,* III, 25-26.

60. Chantilly, 24 April 1774, Ballagh, ed., *Letters of R. H. Lee,* I, 106-107.

61. To William Franklin, Whitehall, 6 July 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 468.

province had set up a committee, North Carolina's Josiah Martin reported to Dartmouth:

> . . . what system the other Continental Assemblies have formed by their committees of correspondence which your Lordship must know have been appointed I cannot tell, having never understood that their proceedings have transpired more than those of the Committee here of which nothing appears upon the Assembly's Journal but the resolves entered into on the first establishment of that Committee and that letters have been received from the Committees in the other Colonies the contents of which are held secret. Whatever measures may have been taken the combination is assuredly indecent and mysterious.[62]

And to Joseph Galloway at least one committee, that selected by the Massachusetts Assembly, was a "source of sedition."[63] Of course, all of these men were right: the committees effectively transmitted news, advice and propaganda; they could not be halted; they were "mysterious" to a rigid administrative mind, and as events proved they were seditious. Most importantly, however, this network, as the Connecticut committee of correspondence noted, provided a "basis on which the most lasting and beneficial Union may be formed and supported. . . ."[64]

On 10 May 1774, the first full text of the Boston Port Bill sailed into this matrix of federalistic constitutional thought, legislative semi-autonomy, real Whig perception and rhetoric and the beginnings of an intercolonial political organization.[65] Three days later, H. M. *Lively* arrived with Lieutenant General Thomas Gage, the new governor of Massachusetts-Bay, and Boston held a "meeting of the freeholders and other inhabitants of this town, legally warned and assembled at Fanueil Hall. . . ." The Bostonians announced their judgment:

62. New Bern, 1 September 1774, Saunders, ed., *Colonial Records of North Carolina,* IX, 1055.

63. *Historical and Political Reflections on the Rise and Progress of the American Rebellion* (London, 1780), p. 63.

64. To the Virginia Committee of Correspondence, 8 March 1774, John P. Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1773-1776, Including the Records of the Committee of Correspondence* (Richmond, 1905), p. 144.

    For a detailed study of one of these committees, see Richard D. Brown, *Revolutionary Politics in Massachusetts: The Boston Committee of Correspondence and the Towns, 1772-1774* (Cambridge, Mass., 1970).

65. Benjamin Woods Labaree, *The Boston Tea Party* (New York, 1964), p. 219. It arrived from England in New York on 12 May and in Philadelphia on 14 May.

that if the other Colonies come into a *joint* resolution to stop all importations from *Great Britain,* and exportations to *Great Britain,* and every part of the *West Indies,* till the Act for blocking up this harbour be repealed, the same will prove the salvation of North America and her liberties.[66]

The members of the Boston committee of correspondence also convened that day and agreed upon a letter to the other provinces. In it they reported the receipt of the law, warned that this "Attack, though made immediately upon us, is doubtless designed for every Colony, who will not surrender their sacred Rights & Liberties into the Hands of an infamous Ministry" and urged unity. They then raised the "single Question": "Whether *you* consider Boston as now suffering in the Common Cause, & sensibly feel and resent the Injury and Affront offerd to her?" In accord with the city, they proposed a suspension of trade with the mother country and solicited "your Answer by the bearer. . . ."[67]

Although news and events moved slowly across the Atlantic, the committees of correspondence facilitated rapid communication up and down the continent. On 14 May Paul Revere mounted a horse and headed southward with Boston's resolutions and letters from the local committee to the like organizations in Connecticut, New York, New Jersey and Philadelphia and with a packet for forwarding from the Quaker city to the southern colonies. At the same time they were sent to Rhode Island and New Hampshire, and a special courier left with copies for Peyton Randolph, Speaker of the Virginia House of Burgesses. The Boston silversmith entered New York in the morning of 17 May and on the nineteenth rode into Philadelphia.[68] Randolph received the dispatches from Massachusetts on 29 May, and by 10 June at the latest South Carolinians learned what had transpired in the northern city.[69] Thirteen months before the arrival of the Boston Port Bill, Samuel Adams had complained that news

66. Force, ed., *American Archives,* 4th series, I, 331. For an extremely interesting analysis of the timing of calls for non-importation and non-exportation agreements, see Marc Egnal and Joseph A. Ernst, "An Economic Interpretation of the American Revolution," *William and Mary Quarterly,* 3rd series, XXIX (1972), 3-32. They see a connection between proposals for trade suspension and the economic distress caused American merchants by the occasional dumping of huge quantities of British goods on the colonial market.

67. The Committee of Correspondence of Boston to the Committee of Correspondence of Philadelphia, Boston, 13 May 1774, Cushing, ed., *Writings of Samuel Adams,* III, 109-111. This letter was also intended for the committees of New York, New Jersey, Rhode Island, Connecticut and Portsmouth, N.H., and was written with the concurrence of the committees of Charlestown, Cambridge, Brookline, Newton, Roxbury, Dorchester, Lynn and Lexington.

68. Force, ed., *American Archives,* 4th series, I, 293; *Pennsylvania Packet,* 23 May 1774.

69. Peyton Randolph and Others to Members of the Late House of Burgesses, Williamsburg, 31 May 1774, Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950-), I, 111; *South-Carolina Gazette,* 13 June 1774.

from North Carolina came to him by way of England; now in the spring of 1774, his letters could reach and arouse every colony within a month, owing to the efficiency and commitment of the committees of correspondence.[70]

Like Thomas Hutchinson before him, Governor Thomas Gage thought that he had time on his side. Just two days after assuming his post, he informed Lord Dartmouth that the Boston Port Bill "has staggered the most Presumptuous, but Minds so inflamed cannot cool at once, so it may be better to give the Shock they have received time to operate. . . ."[71] But, again like Hutchinson, he erred, for he neglected to take the committees of correspondence into account. On 17 May, the same day Bostonians witnessed the pomp of Gage's installation, the people of Providence, Rhode Island, gathered and considered the letters and resolutions of 13 May from Boston. The Providence town meeting agreed to request its deputies "to use their Influence, at the approaching Session of the General Assembly of this Colony, for promoting a CONGRESS, as soon as may be, of the Representatives of the General Assemblies of the several Colonies and Provinces of North-America, for establishing the firmest Union. . . ." The Rhode Islanders also concurred with Boston on the expediency of "an universal Stoppage of all Trade with Great-Britain, Ireland, Africa, and the West-Indies. . . ." Finally, realizing that "the Inhabitants of America are engaged in the Preservation of their Rights and Liberties; and as personal Liberty is an essential Part of the natural Rights of Mankind," the meeting instructed its deputies to secure an act prohibiting the importation of Negro slaves into the colony and providing for manumission.[72] These resolutions from Providence were the first formal call for a continental congress.

As the news of the Boston Port Bill spread down the coast and into the interior, other colonies, counties and towns similarly proposed the convening of a congress. From mid-May through late August and even into September, meeting after meeting assembled until the sheer massiveness of the call made a congress virtually unavoidable. They served, however, as much more than mere summoning agents. Throughout the summer of 1774, these gatherings also defined the direction the deliberations and resolutions of the congress would take, gave further unity to the movement, and in several colonies provided partially formed models or precedents for extraordinary

70. See above, p. 33, fn. 41.

71. Boston, 19 May 1774, Carter, ed., *Gage Correspondence,* I, 355. Although Gage arrived on 13 May, he did not formally assume the government until the nineteenth.

72. *Providence Gazette and Country Journal,* 21 May 1774. In June 1774 the Rhode Island legislature passed an act to restrict slavery and the slave trade in the colony (Bartlett, ed., *Records of the Colony of Rhode Island,* VII, 251-253).

conventions to cope with extraordinary conditions which culminated in the post-independence constitutional conventions. More immediately, in conjunction with the newspapers and pamphlets, they seem to have had an educative function as well; following a tour of Pennsylvania in the wake of such conclaves, John Dickinson reported:

> What never happened before, has happened now. The country people have so exact a knowledge of facts, and of the consequences attending the surrender of the points in question, that they are, if possible, more zealous than the citizens who lie in a direct line of information.[73]

In addition, they contributed to the undermining of British executive authority, for, as Governor Franklin confessed, "Meetings of this Nature there are no Means of preventing, where the chief Part of the Inhabitants incline to attend them."[74] There would be a popularly sponsored congress.

The second meeting to propose a congress, Philadelphia's, is particularly interesting, for it illustrates, indeed almost caricatures, the problem of unity, the various motives men had for wanting a congress, and the political astuteness of the more progressive leaders. In Philadelphia, the largest and most cosmopolitan city in British North America, long standing conflicts between the Presbyterian and Quaker parties, old feuds between the spokesmen of the factions, the sizeable Loyalist element headed by Joseph Galloway, the very able and powerful speaker of the Assembly and ally of Franklin for many years, and denominational suspicions required that the local committee "proceed with the utmost caution & circumspection" as rumors about the coming chastisement of Boston trickled in from England and the other provinces.[75] Furthermore, the committeemen had to keep control of the movement themselves, because the other major political, economic and social groups in the city could not really be trusted. "They had," Charles Thomson later wrote, "no confidence in the members of the Assembly, who were known to be under the influence of Galloway and his party. . . ." They also had to "put it out of the power of the Merchants as they had

73. To Josiah Quincy, Jr., Fairhill, 20 June 1774, Force, ed., *American Archives,* 4th series, I, 434.

74. To the Earl of Dartmouth, Burlington, 28 June 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 464.

75. Charles Thomson to William Henry Drayton, n.d., *Revolutionary Papers,* I: *The Papers of Charles Thomson, Secretary of the Continental Congress, Collections* of the New-York Historical Society, XI (1878), 219.

On society and culture in pre-revolutionary Philadelphia, see Carl and Jessica Bridenbaugh, *Rebels and Gentlemen: Philadelphia in the Age of Franklin* (New York, 1962). On politics, see Theodore Thayer, *Pennsylvania Politics and the Growth of Democracy, 1740-1776* (Harrisburg, 1953), and James H. Hutson, *Pennsylvania Politics, 1746-1770: The Movement for Royal Government and Its Consequences* (Princeton, 1972).

done before [1770] to drop opposition, when interest dictated the measure." And there was the Society of Friends: "The quakers, who are principled against war, saw the storm gathering, and therefore, wished to keep aloof from danger, were industriously employed to prevent anythings being done which might involve Pennsylvania farther in the dispute. . . ." Confronted by opposing or cool men, the patriots found it "necessary to devise means so to counteract their designs as to carry the measures proposed, and yet prevent a disunion, and thus if possible bring Pennsylvania with its whole force undivided to make common cause with Boston."[76]

It appeared to many of all persuasions that John Dickinson would determine the shape of Philadelphia's protest. Indeed, Josiah Quincy, Jr. of Boston asserted that "The Genius on the banks of the River, Delaware" could "inspire North America":

> The times call for the wisest heads and the best hearts; — heads to plan — hearts to warm, — *virtue to act.* — Our Eyes are upon you [;] you will not disappoint our *just* expectations.[77]

Wealthy, genteel and moderate, Dickinson commanded the respect of the city's merchants and upper-classes; married to a Norris, he carried considerable weight with the Society of Friends. At the same time, the more radical party looked to him, the author of the *Letters from a Farmer in Pennsylvania,* for assistance, "but were not sure how far he would go if matters came to extremity, his sentiments on the present controversy not being generally known."[78] This now valuable ignorance of Dickinson's views resulted from his public silence of several years' duration, a silence urged on him "by one of his most intimate friends," presumably Charles Thomson, "the Sam. Adams of Phyladelphia — the Life of the Cause of Liberty," who "wished him to reserve himself till matters became more serious." With the arrival of the Port Bill on 14 May, "matters became more serious," and Thomson went to the "Farmer" to give "him his opinion that now was the time to step forward." Dickinson acquiesced on 18 May and the two "secretly concerted between them" the proper action to be pursued.[79]

76. Charles Thomson to William Henry Drayton, n.d., *Pennsylvania Magazine of History and Biography,* II (1878), 413, 417.

77. To John Dickinson, Boston, 27 May 1774, R. R. Logan Collection, John Dickinson, 1770-1776, D-16-2, pt. 2, Historical Society of Pennsylvania.

78. Thomson to Drayton, n.d., *PMHB,* II, 413; Joseph Reed's Narrative, *Thomson Papers, Collections* of the New-York Historical Society, XI (1878), 269. Reed's account is somewhat less favorable to Dickinson than Thomson's or mine; it must be borne in mind, however, that Reed wrote to restore his own reputation after being attacked for lacking zeal for the cause and for sending treasonable letters to Lord Dartmouth.

79. Thomson to Drayton, n.d., *PMHB,* II, 412; Butterfield, ed., *Adams Diary,* II, 115.

The next day Paul Revere brought the Boston letters and resolutions to the London Coffee House on Philadelphia's Front Street.[80] They were read to the public there, and Thomson, Thomas Mifflin and Joseph Reed called a meeting for the following evening at City Tavern which had a long room capable of accommodating some three hundred people. On the morning of the twentieth, the three rode out to Dickinson's where they laid plans to use the "Farmer's" influence to greatest advantage at the City Tavern gathering and "to sound the sentiments of the people, but not to cause divisions or create parties."[81] They agreed that Pennsylvania should not enter the fray without the support of the other dominions and that they should strive only to gain "a friendly and affectionate answer to the people of Boston," to send the news on to the southern provinces, "and to consult them and the Eastern colonies on the propriety of calling a Congress to consult on measures necessary to be taken." Should they encounter much resistance, they decided to recommend the summoning "together the assembly in order to gain time." To achieve all this, they thought that Reed should open the meeting with Mifflin as seconder. Then Thomson, "who was represented as a rash man, should press for an immediate declaration in favour of Boston" and a suspension of trade with the mother country. Having listened to Thomson's ranting, Dickinson "should oppose, and press for moderate measures, and thus, by an apparent dispute, prevent a further opposition, and carry the point agreed on."[82]

That evening between 250 and 300 "respectable citizens," including the "proprietary interests, the sons of the principal officers of Government, the Quakers, the Whigs," met at City Tavern. They heard the Boston letter after which Reed began "with temper, moderation, but in pathetic terms." Mifflin followed "with more warmth and fire" and advocated full support for the closed port city. As scheduled, Thomson addressed the crowd in yet more vehement language and proceeded, unplanned, to faint from heat and fatigue. The meeting went into the anticipated uproar "against the violence of the measures proposed." Dickinson then "spoke with great coolness, calmness, moderation, and good sense" and recommended a petition to Deputy Governor John Penn for the summoning of the Assembly. Backed by other conservatives, Thomas Wharton, a prominent Quaker merchant, next "entered the lists" and saw to it, he thought, that "only two resolves" passed: one to appoint a committee to reply to Boston counseling "firmness, prudence and moderation," and

80. William Bradford, editor of the *Pennsylvania Journal,* was the proprietor of the London Coffee House.

81. Reed's Narrative, *Thomson Papers, Collections* of the New-York Historical Society, XI, 269; Thomson to Drayton, n.d., *Thomson Papers, Collections* of the New-York Historical Society, XI, 220.

82. Thomson to Drayton, n.d., *PMHB,* II, 413-414.

another to request Penn to "call the Assembly that they might unite with other Assemblies in a decent but firm application to the Crown. . . ." After some debate on the two slates submitted for the committee, "it was agreed that both should stand, and thus by prudent management unanimity in appearance was at least preserved. . . ." The "company broke up in tolerable good humour, both thinking they had in part carried their point." Wharton was pleased "that every step which appeared to have a tendency to inflame was entirely set aside," and Thomson and Dickinson were satisfied that their scheme had worked, "giving time to prepare the public mind, and suffering matters to ripen gradually." To the radicals, the moderates, and the conservatives the call for an intercolonial congress signified an important strategic victory.[83]

The new committee returned a dispassionate answer to Boston's "very interesting letter" the next day. They acknowledged the gravity of the situation for the Massachusetts city which was "considered as suffering in the common cause." But they also maintained that the very difficulty of the crisis "requires more mature deliberation" and greater colonial unity. To accomplish this and to obtain "reconciliation and future harmony with our mother country on constitutional grounds," the committee suggested the convening of "a general Congress of Deputies from the different Colonies, clearly to state what we conceive our rights, and to make claim or petition of them to his Majesty, in firm, but decent and dutiful terms. . . ."[84] Perhaps realizing that Samuel Adams would be somewhat disappointed by this response, other Philadelphians sent letters of explanation. Thomas Mifflin emphasized the need for "a general & speedy Union of all the Colonies, in some decisive Measure. . . ." He continued:

> All Ranks, with us, agree to the Proposal of a general Congress previous to the fixing on any plan of Reconciliation or Opposition — They justly observe that

83. Thomas Wharton to Thomas Walpole, Philadelphia, 31 May 1774, "Selections from the Letter-books of Thomas Wharton, of Philadelphia, 1773-1783," *Pennsylvania Magazine of History and Biography,* XXXIII (1909), 337; Edward Tilghman to Edward Tilghman, 26 May 1774, quoted in Charles J. Stillé, *The Life and Times of John Dickinson* (Philadelphia, 1891), pp. 107-108; Resolutions of a meeting at the City Tavern, 20 May 1774, Force, ed., *American Archives.* 4th series, I, 340-341; Reed's Narrative, *Thomson Papers, Collections* of the New-York Historical Society, XI, 271-272; Thomson to Drayton, n.d., *PMHB,* II, 414-415; same to same, n.d., *Thomson Papers, Collections* of the New-York Historical Society, XI, 220.

On the expectations of Pennsylvania's Loyalists, see Galloway, *Historical and Political Reflections,* pp. 63-65.

84. Committee of the City of Philadelphia to the Committee of Boston, 21 May 1774, Force, ed., *American Archives,* 4th series, I, 341.

> One Colony ought not to begin with the Non Importation; but that all should, by their Delegates, fix on the Time & Extent of that Measure – whether partial or general – for one Year or More – and likewise determine the Exceptions which some Colonies may necessarily require – This is supposed here to be the only way to prevent Jealousies & Infractions.

Indeed, Mifflin told Adams, "The most sanguine of our people venture to predict that the very Idea of a general Congress will liberate your Town from the Effect of the odious Edict, so soon as the News can reach *Home* of what is intended in America."[85] Despite Mifflin's arguments and the creation of organization and unity in the Quaker city, Adams was not satisfied. He concurred that a "Congress is of absolute Necessity . . . but from the length of time it will take to bring it to pass, I fear it cannot answer the present Emergency."[86] Even Daniel Dulany, Jr., no firebrand in 1774 and a neutral from 1775, thought the "*Philadelphians* were very cool. . . . There is a stroke of insulting pity in their answer which I am sure will raise your indignation to the highest pitch."[87] By the end of May, however, as other jurisdictions urged the same course as Philadelphia, the movement for a congress had gone too far to be sidetracked by Samuel Adams's insistence on more precipitate action.

Both Adams and Wharton knew that much depended upon the Virginia House of Burgesses. The former, typically utilizing that "source of sedition," the committee of correspondence, sent a special messenger with the Boston letters and resolutions to Speaker Randolph. The latter, lacking access to such an instrument, as typically confined his perception of the situation to a private letter to a friend in England; the Quaker merchant described the conservative "success" of 20 May in Philadelphia and went on, "we shall shortly know the sentiments of the Virginians, as their Assembly is sitting, they are certainly a sensible and wealthy people, and the part they shall take in

85. 26 [May] 1774, Samuel Adams Papers, folder 14, Bancroft Collection, New York Public Library.

86. To Charles Thomson, Boston, 31 May 1774, Cushing, ed., *Writings of Samuel Adams,* III, 123-124. Adams had written in much the same tenor to Silas Deane of Connecticut two days before the Philadelphia meeting; he reported, "It is feared by the Committee that a Conference of Committees of Correspondence from all the Colonies, cannot be had speedily enough to answer for the present Emergency." (Boston, 18 May 1774, Cushing, ed., *Writings of Samuel Adams,* III, 115). Adams's long suit was agitation, not sustained organization.

87. To Arthur Lee, Annapolis, May 1774, Force, ed., *American Archives,* 4th series, I, 354.

this affair will have great influence on their sister colonies."[88] Although at first the Virginians, like the Philadelphians, failed Adams, they did not act the part of "sensible and wealthy people" by Wharton's lights; they did, however, exercise a "great influence on their sister colonies."

Even before Randolph heard from Boston, the House of Burgesses voiced its opposition to the first of the Coercive Acts. Upon receiving the news of the passage of the Boston Port Bill from another source shortly before 19 May, seven or eight younger Burgesses, including Patrick Henry, Richard Henry Lee, Francis Lightfoot Lee, George Mason and Thomas Jefferson, "cooked up a resolution" to appoint a day of fasting and prayer for 1 June, the day the law went into effect. Significantly, they "rummaged over" John Rushworth's *Historical Collections of Private Passages of State,* an eight-volume documentary history of the English Civil War, "for the revolutionary precedents and forms of the Puritans of that day. . . ."[89] That Jefferson and the others turned to mid-seventeenth century England for parallels manifests an historical awareness which boded ill for the Empire. On 24 May the dignified and pious Treasurer of the province, Robert Carter Nicholas, introduced their resolutions which placed the House on record as "being deeply impressed with apprehension of the great dangers, to be derived to british *America,* from the hostile Invasion of the City of *Boston,* in our Sister Colony of *Massachusetts* bay" and set aside 1 June "as a day of Fasting, Humiliation, and Prayer, devoutly to implore the divine interposition, for averting the heavy Calamity which threatens destruction to our Civil Rights, and the Evils of civil war. . . ."[90] To Governor John Murray, Earl of Dunmore, the Burgesses *"conceived"* this order *"in such Terms as reflect highly upon his Majesty and the Parliament of* Great Britain," and he dissolved them on 26 May.[91] Dunmore acted just in time, for Richard Henry Lee had prepared yet another set of resolutions denouncing the Boston Port Bill as "a most violent and dangerous attempt to destroy the constitutional liberty of and rights of all North America," and ordering:

> that be appointed Deputies from this House to meet at such Deputies from the other Colonies as they shall appoint, there to consider and

88. To Thomas Walpole, Philadelphia, 31 May 1774, "Wharton Letter-books," *PMHB,* XXXIII, 338.

89. Thomas Jefferson, "Autobiography," Andrew A. Lipscomb and Albert E. Bergh, eds., *The Writings of Thomas Jefferson,* 20 vols. (Washington, 1903), I, 9. Rushworth accompanied the Parliamentary general Thomas Fairfax on several campaigns and served as Oliver Cromwell's secretary.

90. Kennedy, ed., *Journals of Virginia Burgesses, 1773-1776,* pp. 124, 132.

91. Kennedy, ed., *Journals of Virginia Burgesses, 1773-1776,* p. 138.

determine on ways the most effectual to stop the exports from North America, and the adoption of such other methods as shall be most decisive for securing the constitutional rights of America against the systematic plan formed for their destruction.[92]

A month after Dunmore's proclamation, James Tilghman had occasion to observe, "I never saw any good Effect from dissolving an american Assembly. It ever causes great Irritation. . . ."[93] The late House soon taught Dunmore the truth of this maxim. At 10:00 a.m. on 27 May, the members gathered in the Apollo Room of the Raleigh Tavern with Peyton Randolph in the chair as "moderator." Eighty-nine of them signed an Association decrying "the sudden interposition of the executive part of the government," recommending "it strongly to our countrymen, not to purchase or use any kind of East India commodity whatsoever, except saltpetre and spices, until the grievances of America are redressed," and asking their committee of correspondence to contact other committees "on the expediency of appointing deputies from the several colonies of British America, to meet in general congress, at such place annually as shall be thought most convenient; there to deliberate on those general measures which the united interests of America may from time to time require."[94] On 29 May Randolph received the Boston dispatches and summoned the twenty-five Burgesses remaining in Williamsburg to a meeting on 30 May. The twenty-five agreed on the propriety of general non-importation, but hesitated to enlarge their Association with so few present, thus they invited all the now former Burgesses to convene as a provincial convention on 1 August.[95]

92. Richard Henry Lee to Samuel Adams, Chantilly, 23 June 1774, Ballagh, ed., *Letters of R. H. Lee,* I, 111.

93. To Henry Wilmot, Philadelphia, 22 June 1774, Penn MSS., Official Correspondence, XI: 1772-1775, 153-155. The rest of Tilghman's comment affords a pointed contrast between English and American legislative and electoral practices: "It ever causes great Irritation, and the same Members are certainly returned, unless it be those who have some Disposition to oppose their Measures [i.e., vote with the administration]. We have no such thing as Bribery and Corruption, in this Part of the World, and therefore our Elections are more in the popular Line."

94. Boyd, ed., *Jefferson Papers,* I, 107-108; Force, ed., *American Archives,* 4th series, I, 350. Only fourteen members known to have attended the regular sessions did not sign the Association.

95. Peyton Randolph and Others to Members of the Late House of Burgesses, Williamsburg, 31 May 1774, Boyd, ed., *Jefferson Papers,* I, 111-112.

The activities of the Virginians during this one week in May have a particular historical importance. The meeting of 30 May demonstrated that, Governor Franklin of New Jersey to the contrary notwithstanding, the power of an assembly could not easily be "annihilated." This set in motion the extra-constitutional provincial convention movement; these colonial conventions, often called congresses, soon replaced the royal and proprietary authorities, assumed full legislative power and filled the void until the establishment of new governments legitimized by war and independence.[96] Secondly, this call for an intercolonial congress, the fourth of many, was the one which evoked answers from the other plantations and in effect brought about the First Continental Congress.[97]

During the course of the spring and summer of 1774, scores of meetings of every description endorsed the holding of a congress. Indeed, as news and rumors circulated that Parliament had imposed or planned more oppression – the Massachusetts Government Act, the Administration of Justice Act, the Quartering Act and the Quebec Act – the language of the resolutions and the calls for a congress took on a heightened urgency.[98] A "General Meeting of the Freeholders, Gentlemen, Merchants, Tradesmen, and other inhabitants of Baltimore County" on 31 May favored a nonimportation and nonexportation agreement in conjunction with the other dominions, and unanimously proposed a provincial convention and "a general congress of delegates from other colonies. . . ."[99] On the third day of June, the Connecticut committee of correspondence gave its opinion "that a congress is absolutely necessary, previous to almost every other measure" and suggested that it be held in New York,

96. On the organization and operations of the provincial conventions, see Allan Nevins, *The American States During and After the Revolution, 1775-1789* (New York, 1927), ch. 2.

97. In replying to Boston, the New York Committee of Fifty-one proposed a congress on 23 May; the circumstances of the New York call were not unlike Philadelphia's. For accounts of New York politics, see Carl L. Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison, 1909), and Bernard Mason, *The Road to Independence: The Revolutionary Movement in New York, 1773-1777* (Lexington, Ky., 1966).

98. The Quebec Act was not designed to punish the English colonists; however, its recognition of Catholicism, its provisions for non-elective government, and its extension of Quebec's boundary to the Ohio River made this law intolerable to many provincials.

99. *New-York Gazette and Weekly Mercury,* 13 June 1774.

Fairfield or Norwalk in late July or early August.[100] In "order that there may be a conformity and unanimity in the Councils of America," the North Carolina committee of correspondence wrote on 10 June, "it is absolutely necessary and expedient that deputies be appointed by the several Colonies to meet and deliberate on all measures that may be deemed necessary to the support of the general interest." They also urged the holding of conventions "in case the Governors of the different Colonies should refuse or decline to call an Assembly of the Representatives of the people. . . ."[101] The next day, Essex County, New Jersey, proclaimed its "full faith and allegiance to his most gracious Majesty, King George the third," and advocated nonimportation, a convention and an intercolonial congress "to form a General plan of union. . . ."[102] In the middle of the month, two Maryland counties, Frederick and Chester, joined in the call, as did the Rhode Island General Assembly for the sake of "a firm and inviolable union of all the colonies, in councils and measures. . . ."[103] On 17 June, the town of Wethersfield, Connecticut, did "highly approve of" a congress "as a necessary and salutary measure" and offered its "hope and trust that a General Non-Importation and Non-Exportation Agreement will take place, and be unanimously come into by the American Colonies. . . ."[104] With John Adams as their moderator, Bostonians also

100. To the Committee of Correspondence of Boston, Hartford, 3 June 1774, Bartlett, ed., *Records of the Colony of Rhode Island,* VII, 294. The committee offered an explanation for its reservations about unilateral nonimportation agreements: "The resolves of merchants, in any individual town or province, however generously designed, must be partial; and when considered in respect to the whole of the colonies, in one general view, at best defective; while on the other hand, every measure recommended, every resolve come into, by the whole united colonies, must carry weight and influence on the minds of the people, and effectually silence those base insinuations which our enemies are ever ready to throw out, of interested motives, sinister views, unfair practices and the like; for the vile purposes of sowing the seeds of jealousy between the colonies, to divide and render abortive all our designs in favor of the liberties of America."

    The jealousy, the fear that merchants in some other town would take advantage of a suspension of trade by another colony, was very real and gave an added impetus to a congress and a single agreement.

101. To the Gentlemen, the Committee of correspondence appointed by the Colony of South Carolina, North Carolina, 10 June 1774, Walter Clark, ed., *The State Records of North Carolina, 1777-1790,* 16 vols. (Winston and Goldsboro, 1895-1905), XI, 245-246.

102. Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 465-467.

103. *New-York Gazette and Weekly Mercury,* 27 June 1774; Bartlett, ed., *Records of the Colony of Rhode Island,* VII, 246.

104. *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 136.

congregated on the seventeenth and instructed the city's committee of correspondence to inform the other colonies "that we are waiting with anxious expectation for the result of a Continental Congress, whose meeting we impatiently desire, in whose wisdom we can confide, and in whose determination we shall cheerfully acquiesce."[105] By a vote of 129 to twelve, the Massachusetts House of Representatives resolved that same day "a meeting of Committees, from the several Colonies on this Continent is highly expedient and necessary," and appointed delegates to meet with others in Philadelphia on 1 September.[106]

Throughout the month of June, other groups and jurisdictions fell into line. On the eighteenth, Chester County, Pennsylvania, unanimously denounced the Boston Port Bill, the Massachusetts Government Act and the Administration of Justice Act, determined that "a Congress of Deputies from the said Colonies is the most probable and proper mode of procuring relief for our suffering brethren," and concurred with Philadelphia in asking Governor Penn to summon the Assembly to elect representatives to the congress.[107] Three days later, the town of Huntington, New York, rehearsed the American constitutional position, proposed nonintercourse and promised to abide

105. Force, ed., *American Archives,* 4th series, I, 423.

The Bostonians did not just wait. On 8 June, their committee of correspondence sent a tough nonintercourse agreement to the other towns in Massachusetts (Force, ed., *American Archives,* 4th series, I, 397-398). All too obviously invoking the seventeenth century radical tradition, the history of the English Civil War and their own Puritan past, they entitled it "The Solemn League and Covenant." The design of the original Solemn League and Covenant (1643) was the functional union of England and Scotland "in the preservation and defence of the true religion and liberties of the kingdoms. . . ." Like the many resolutions of 1774, it also denounced "the treacherous and bloody plots, conspiracies, attempts and practices of the enemies of God," and protested "that we have no thoughts or intentions to diminish his Majesty's just power and greatness." (J. P. Kenyon, ed., *The Stuart Constitution, 1603-1688: Documents and Commentary* [Cambridge, Eng., 1966], pp. 263-265). Six years later, his Majesty, Charles I, was beheaded.

Governor Gage, perhaps himself not unmindful of the 1640's, saw the Covenant of 1774 as "of so pernicious a Tendency that I judged it proper without Loss of Time to publish a Proclamation to prevent the ill Effects of it as much as possible." (To the Earl of Dartmouth, Salem, 5 July 1774, Carter, ed., *Gage Correspondence,* I, 358).

106. *Massachusetts House of Representatives Journal, 1774,* pp. 45-46.

107. Force, ed., *American Archives,* 4th series, I, 428.

by the recommendations of "a general Congress of all the Colonies. . . ."[108] The freeholders and inhabitants of Westmoreland County, Virginia, met the next day "to consider the present dangerous and alarming Crisis. . . ." They too affirmed the colonial view of the Anglo-American connection, attacked the acts "made against our Brothers of Massachusetts Bay," favored a boycott, asked "the Gentlemen of the Law" not to "bring any Writ for the Recovery of Debt," implored all "to disuse TEA," and gave their support to "a general Congress of all the Colonies."[109] At the same time, a Maryland convention of ninety-two men passed resolutions pledging acceptance of a nonimportation and nonexportation association, recommending a price freeze, calling a congress, selecting delegates to that congress, proposing that it be held in Philadelphia on 20 September, and threatening to "break off all Trade and Dealings" with any colony, county or town which should fail to obey "the general Plan, which may be adopted by the Colonies."[110] On 25 June, the people of Bergen County, New Jersey, asserted their "true and faithful allegiance" to the King and "heartily" united with others in the plantation in appealing for a "Congress from the several Provinces of *America. . . .*"[111] Another New Jersey county, Morris, followed suit on 27 June "in promoting an Union of the Colonies, by forming a general Congress of Deputies," and gave its word "faithfully [to] adhere to such Regulations and Restrictions as shall by the Members of said Congress be agreed upon. . . ."[112] By the end of June, every ship and post entering New York brought news of calls for "a grand Congress of Representatives of all the Colonies, – to whose Wisdom, Firmness, and Fortitude, the Liberty, Property and whole Interest of this free and august Continent are to be delegated."[113]

The flood of endorsements for a continental congress continued in July. South Carolina's St. Bartholomew's Parish "(one of the most considerable in this Colony)" advised on 2 July "that a Congress be assembled . . . to counteract the Operations of such arbitrary and dangerous Measures" passed by Parliament.[114] In the middle of the next week, "the LARGEST BODY of the *most respectable Inhabitants* that had ever

108. Force, ed., *American Archives,* 4th series, I, 453.

109. *Virginia Gazette* (Purdie and Dixon), 30 June 1774.

110. *Virginia Gazette* (Purdie and Dixon), 21 July 1774.

111. Force, ed., *American Archives,* 4th series, I, 450.

112. *New-York Gazette and Weekly Mercury,* 4 July 1774.

113. *New-York Gazette and Weekly Mercury,* 27 June 1774.

114. *South-Carolina Gazette,* 4 July 1774.

been seen together upon any public Occasion here, or perhaps any where in America (for Gentlemen of the greatest Property and Character, animated with an ardent Zeal to relieve their suffering Brethren, and to preserve their own Freedom and the Birthrights of their Posterity, notwithstanding the extreme Inconvenience of the Season . . .)" met at the Exchange in Charleston, South Carolina. They too confirmed their loyalty to the crown, but condemned the recent Parliamentary statutes for depriving "many Thousand Americans of their Rights, Properties and Privileges, in a most cruel, oppressive and unconstitutional Manner —" To secure redress, this South Carolina Convention unanimously determined that a congress of the colonies should convene in Philadelphia on 5 September.[115] At the other end of the continent, Governor John Wentworth dissolved the New Hampshire legislature on 8 June to prevent its authorizing a congress. However, on 6 July, as the South Carolinians assembled, the members of the late House gathered in defiance of an order from the Governor to disperse and agreed without a single dissenter "that it is expedient and necessary for this Province to join said Congress," and invited the towns to attend a convention on 21 July to elect delegates.[116] A Newcastle, Delaware, committee wrote on 11 July that "a convention of Representatives" from the colonies should convene "as soon as conveniently may," and offered their town for that purpose.[117] In Fairfax County, Virginia, George Washington chaired a particularly important meeting on 18 July. It adopted twenty-four resolutions which stated very explicitly the colonial understanding of the Anglo-American relationship, charged the ministry with a "premeditated Design and System, formed and pursued . . . to introduce an arbitrary Government into his Majesty's American Dominions," requested "that a Congress shou'd be appointed," and approved a detailed nonintercourse agreement with sanctions.[118] This Association became the model for the one established by the Virginia Convention in the first week of August, which in turn formed the prototype for the one passed by the Continental Congress in October. The Pennsylvania Convention congregated in Carpenters' Hall a day after the Fairfax meeting and unanimously declared that "there is an absolute Necessity that a Congress of Deputies

115. *South-Carolina Gazette,* 11 July 1774.

116. Bouton, ed., *New Hampshire Provincial Papers,* VII, 369, 400-401.

117. To Caesar Rodney, Newcastle, 11 July 1774, George Herbert Ryden, ed., *Letters to and from Caesar Rodney, 1756-1784* (Philadelphia, 1933), p. 39.

118. Robert A. Rutland, ed., *The Papers of George Mason,* 3 vols. (Chapel Hill, N.C., 1970), I, 201-210.

from the several Colonies be immediately assembled. . . ."[119] During the next ten days, gatherings in Wilmington, North Carolina (21 July), Elizabeth City, Virginia (25 July), Albermarle County, Virginia (26 July), Princess Anne County, Virginia (27 July) and Buckingham County, Virginia (28 July) gave further impetus to the drive for a congress.[120] And in Savannah, Georgia, the process of entering into resolutions in support of a congress was begun only to be delayed and eventually averted by doubts, divisions and the opposition of Governor Sir James Wright.[121] Before 31 July, men had come together in many such assemblages, large and small, fiery and moderate, in every one of the thirteen provinces to discuss the crisis and invariably turned to an intercolonial congress for a solution.

No doubt existed early in August that the much demanded congress would take place; nevertheless, freeholders and inhabitants still left their routine tasks to voice their concern over the growing cracks in "that fine and noble China Vase" and to ratify the call for a congress. Despite this absence of uncertainty, the August meetings were not superfluous. Indeed, one of them, the Virginia Convention, which after a week of deliberation adjourned on the sixth, overshadowed all others in its consequences for the future. The delegates unanimously approved a set of twelve resolutions, patterned somewhat on the Fairfax County resolves of 18 July. The Virginia Association avowed the Old Dominion's "inviolable and unshaken Fidelity and Attachment to our most gracious Sovereign, our Regard and Affection for all our Friends and Fellow Subjects in Great Britain and elsewhere" and attributed "the present unhappy Situation of our Affairs" to "certain ill advised Regulations, as well of our Trade as internal Polity, introduced by several unconstitutional Acts of the British Parliament. . . ." His "Majesty's dutiful and loyal Subjects" then "cheerfully and cordially" acceded to a scheduled nonimportation and nonexportation agreement, swore off tea, "the detestable Instrument which laid the Foundation of the present sufferings of our distressed Friends in the Town of Boston," encouraged domestic economic self-sufficiency, warned traders against raising prices, recommended the election of committees in every county "to take effectual Care that these Resolves be properly observed," required that all merchants sign the Association, and threatened to consider all violators "as inimical to this Country, and [to] break off every Connection and all Dealings with them." Confident that "the united Wisdom of the General Congress may improve these our Endeavours to preserve the Rights and Liberties in British America,"

119. MacKinney and Hoban, eds., *Pennsylvania Archives,* 8th series, VIII, 7092-7093.

120. Saunders, ed., *Colonial Records of North Carolina,* IX, 1016-1017; Force, ed., *American Archives,* 4th series, I, 634, 640-641, 643-644.

121. Force, ed., *American Archives,* 4th series, I, 639n., 699-701; *South-Carolina and American General Gazette,* 16 September 1774.

the representatives promised conformity to any "Alterations or Additions" passed by the congress and "assented to by the Delegates of this Colony. . . ."[122] In substance and even in phraseology, these resolutions very closely resemble the Association signed by the members of the First Continental Congress on 20 October.

Another document of great constitutional import has an intimate connection with this meeting. For the Conventions consideration, Thomas Jefferson drafted a set of instructions to the colony's congressional delegation. In it Jefferson complained of the "many unwarrantable incroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon those rights which god and the laws have given equally and independently to all." He also expressed the hope that any petition from the congress would "obtain from his majesty a more respectful acceptance" than had been accorded earlier addresses, "to none of which was ever even an answer condescended."[123] Avoiding the traditional formulae of humility and subservience, Jefferson wrote, "this his majesty will think we have reason to expect when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government erected for their use, and consequently subject to their superintendance." To demonstrate his constitutional thesis, he undertook an historical analysis of the "origin and first settlement of these countries" and a brief examination of the statutes which "form that connected chain of parliamentary usurpation. . . ." From this Jefferson concluded that George III, "as yet the only mediatory power between the several states of the British empire," should have Parliament repeal these acts, "which however nugatory they be, may yet prove the cause of further discontents and jealousies among us."[124]

Having completely eliminated the authority of Parliament over the colonies, Jefferson turned to "the conduct of his majesty," to "mark out his deviations from the line of duty." In an indictment presaging the Declaration of Independence, the Virginian listed the many abuses of the prerogative committed by the King, including his trifling disallowance of wholesome laws, his refusal to permit more equitable representation in the colonial assemblies, his capricious dissolution of American legislatures, his meddling with colonial elections, his efforts to impose feudal land tenure on the provincials, his introduction of a standing army, and his subordination of civil to military power. The restoration of "fraternal love and harmony thro' the whole

122. Boyd, ed., *Jefferson Papers,* I, 137-140.

123. Boyd, ed., *Jefferson Papers,* I, 121. The administration's neglect of previous petitions was a common grievance of the colonists.

124. Boyd, ed., *Jefferson Papers,* I, 121-129.

empire" hinged on the full redress of these many grievances against the usurping Parliament and the monarch who should know that "kings are the servants, not the proprietors of the people."[125]

Perhaps owing to the rather harsh criticism of the King, the Convention thought Jefferson's proposed instructional resolutions too radical for public espousal, "the leap . . . being too long, as yet, for the mass of our citizens."[126] They did not, however, die there; soon they appeared as a pamphlet entitled *A Summary View of the Rights of British America.*[127] A copy of this tract accompanied at least Patrick Henry, and possibly other Virginia delegates as well, to Philadelphia and the First Continental Congress in September. Although somewhat advanced, the ideas put forward by Jefferson could not have seemed unique to the Philadelphians or the members of the Congress, for James Wilson published essentially the same interpretation of the empire in the Quaker city in August, and John Adams offered a similar argument several months later.[128] Indeed, the position of Jefferson, Wilson and Adams had been implicit in the contentions of James Otis and the Stamp Act Congress a decade before.[129]

While not giving birth to models for the approaching congress or provoking singularly lucid explications of American constitutionalism, other gatherings did not sit back in idleness or complacency. The town of Rye, New York, "being greatly alarmed" by Parliament and its "most cruel, unjust, and unwarrantable Act" to punish Boston, reiterated the canon of no taxation without representation and determined that "the most effectual mode of redressing our grievances will be by a general Congress. . . ."[130] Similar fears and solutions emanated from a series of North Carolina

125. Boyd, ed., *Jefferson Papers,* I, 129-134.

126. Jefferson, "On the instructions given to the first delegation of Virginia to Congress, in August, 1774," Lipscomb and Bergh, eds., *Writings of Jefferson,* I, 183.

127. *A Summary View* may have been printed as early as 6 August in Williamsburg. It was published in Philadelphia later in 1774, and two London editions appeared by the end of the year. For historical and bibliographical notes on this pamphlet, see Boyd, ed., *Jefferson Papers,* I, 669-676.

128. [James Wilson], *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament* (Philadelphia, 1774); [John Adams], *Novanglus,* Adams, ed., *Works of John Adams,* IV, 3-177.

129. See above, ch. 1, pp. 13-17.

130. Force, ed., *American Archives,* 4th series, I, 703.

meetings held in Johnson County on 12 August, Granville County on 15 August, Anson County on 18 August, Chowan County and Halifax both on 22 August, and culminating in a provincial convention in Newbern on 25 August.[131]

Out of this welter of meetings and resolutions, of which the many cited here comprise but a small sample, emerged the decision to convene the First Continental Congress on 5 September in Philadelphia. More than that, they also virtually predetermined the configuration of the Congress's deliberations and resolves. To anyone who read a provincial newspaper during the summer of 1774, it must have been abundantly clear that the Congress would issue a declaration of American rights, that it would recommend a suspension of trade with the United Kingdom and its dependencies, that it would extend its support to Massachusetts, that it would criticize the administration, that it would avow a dignified allegiance to the King, that it would insist upon Anglo-American equality, and that it would deny the authority of Parliament to legislate for the colonies with the exception of the regulation of external commerce and that by America's grace not Britain's right. Moreover, to many the orders of the proposed congress would be regarded as having the force of law. In each of the twelve dominions represented in the congress, a provincial, county or town meeting had advocated one or more of these propositions.

To a large degree, the colonists acted spontaneously in the formulation of the cumulative decision to hold a congress and to compel the mother country to recognize the validity of America's definition of the constitution through nonintercourse. They had, after all, several precedents for the creation of an intercolonial policy making body which both preserved the individuality of each plantation and gave them unity of purpose in the mid-seventeenth century Confederation of New England, the Albany Congress of 1754 and the Stamp Act Congress of 1765. They also within the recent past had tried boycotts to protest the Stamp Act and the Townshend duties and had learned something of the fragility of unconcerted nonimportation accords. In addition, the idea of a congress seems to have been in the air, and the numerous pleas for unity tacitly required a congress. More specifically, the *Boston Gazette and Country Journal* of 2 August 1773 carried a proposal by "Time and Judgment" for a congress to work toward an Anglo-American union "founded on equal Liberty." Yale College's Ezra Stiles predicted in 1773 that the committees of correspondence "will finally terminate in a general Congress," and Franklin in London anticipated the same result.[132] Cooler

131. Saunders, ed., *Colonial Records of North Carolina,* IX, 1031-1049.

132. Abiel Holmes, *Life of Ezra Stiles* (Boston, 1798), pp. 167-168, quoted in David L. Ammerman, "The First Continental Congress and the Coming of the American Revolution" (unpublished Ph.D. dissertation, Cornell University, 1966), p. 20; Benjamin Franklin to Thomas Cushing, London, 7 July 1773, Smyth, ed., *Writings of Franklin,* VI, 82-83.

men also believed it "not improbable that an attempt will be made to get a Congress established of a deputation from all the Assemblies on the continent."[133] Indeed, the calling of a congress was such a natural and logical response to the imperial crisis, that some Britons "suppose[d] there will be a general Congress from the Colonies" weeks before the Providence town meeting.[134]

Despite the precedents and the logic, some surviving evidence suggests that the patriot leaders did not trust entirely to memory, reasonableness and spontaneity. On 2 April 1774, Arthur Lee wrote from London to John Dickinson, "I hope to see a general Congress. . . . I have no doubt, but that if you thought such a measure advisable, & would recommend it, that it wou'd be very universally adopted."[135] That same day, he informed his brother Francis Lightfoot Lee, Burgess for Loudoun, that *"there ought to be a general congress* of the colonies," which, revealing his real Whig fear of the crown, he cautioned should hold its sessions in Annapolis, "where it would be less liable to military interruption, than at New-York or Philadelphia."[136] Unfortunately, it is not known that these letters crossed the Atlantic in time to have influenced either man in mid-May, but they could have just made it. Even more to the point is a letter dated 27 May 1774 from Josiah Quincy, Jr., to Dickinson in which the Bostonian said, "We urgently wish a Congress — but your Colony must take the lead in this matter; — the Massachusetts is too *directly interested* to be the *first* movers in such an important Measure."[137] Aside from indicating some disagreement among the members of the Bay province's inner circle, this plea uncovers at least the possibility that organization and concert went into the call for the First Continental Congress.[138] Such an interpretation is certainly consistent with the mechanism for communication and coordination afforded by the committees of correspondence.

133. Thomas Wharton to Samuel Wharton, Philadelphia, 17 May 1774, "Wharton Letter-books," *PMHB,* XXXIII, 335.

134. "A Gentleman in London to a Friend in Annapolis, Md.," London, 31 March 1774, Force, ed., *American Archives,* 4th series, I, 231.

135. R. R. Logan Collection, John Dickinson Papers, 22-1, Library Company of Philadelphia.

136. Richard Henry Lee, *Life of Arthur Lee, LL.D., Joint Commissioner of the United States to the Court of France, and Sole Commissioner to the Courts of Spain and Prussia, During the Revolutionary War. With his Political and Literary Correspondence and his Papers on Diplomatic and Political Subjects, and the Affairs of the United States During the Same Period,* 2 vols. (Boston, 1829), I, 39.

137. Boston, R. R. Logan Collection, John Dickinson, 1770-1776, D-16-2, pt. 2, Historical Society of Pennsylvania.

138. Samuel Adams did not so "ardently wish a Congress"; see above, pp. 45-56.

Sped up and down the seaboard by the committees of correspondence and the newspapers, the demand for a congress very early acquired a momentum which required little or no direct stimulation from a Lee, a Franklin, a Quincy, a Thomson, or a "Time and Judgment." Radicals, moderates and conservatives, to be sure from markedly diverse motives, came together and decided that a continental congress to be held in Philadelphia on 5 September 1774 would be the best way "to settle the unhappy Difference upon a permanent Basis; an Event most ardently to be wished by all true Friends to the Mother Country and her Colonies."[139] By midsummer this movement had developed such strength that the local conclaves "whatever may be thought of it with you [the English], it is impossible to prevent."[140] At the same time, it was certain that the congress itself, "tho' illegal" in the eyes of New York's Deputy Governor Colden, "cannot be prevented."[141]

139. James Tilghman to Henry Wilmot, Philadelphia, 22 June 1774, Penn MSS., Official Correspondence, XI: 1772-1775, pp. 153-155, Historical Society of Pennsylvania.

140. Governor John Penn to [Henry Wilmot], Philadelphia, 5 July 1774, Penn MSS., Official Correspondence, XI: 1772-1775, p. 159.

141. Cadwallader Colden to the Earl of Dartmouth, New York, 2 August 1774, *The Colden Letter Books,* II: *1765-1775, Collections* of the New-York Historical Society, X (1877), 348.

CHAPTER 3

"The Ablest & Wealthiest Men in America"

Politically concerned and articulate Americans defined the imperial crisis of 1774 largely in constitutional terms. Similarly, they sought to make a common presentation of their grievances to George III as legally and constitutionally as possible; ideological consistency and probably colonial unity required that the constitution be defended constitutionally. To this end, they naturally turned to that one agency of government controlled by and responsible to the electorate in the provinces, the thirteen houses of representatives which had already established formal links of communication and potential coordination in the committee of correspondence system. Indeed, many initially conceived of the congress as "a Conference of Committees of Correspondence," and throughout the months of summons and preparation its sponsors regarded the ideal to be a gathering "of the Representatives of the General Assemblies of the several Colonies and Provinces of North-America. . . ."[1] Particularly in the process of delegate selection, the colonists strove to maintain this sense of legitimacy. Although in many plantations gubernatorial opposition and obstructionism made the preservation of constitutionality difficult, by the end of August twelve dominions had appointed and instructed congressional delegations one way or another. In so doing, they revealed both their old divisions and a new found unity.

Only five colonies managed to satisfy in whole or in part the desired constitutional standard of assembly election of deputies to the congress. The two highly autonomous corporate colonies, Rhode Island and Connecticut, acted before the others. Rhode Island, from which the earliest public call for a congress had come, became the first plantation to make an actual choice of representatives. On 13 June 1774, the General Assembly appointed two former governors, Stephen Hopkins and Samuel Ward, to attend the congress. The legislature authorized Hopkins and Ward to "consult and advise" with the men from the other provinces "upon a loyal and dutiful petition" to the King; to speak for Rhode Island on "all such reasonable and lawful measures, as may be expedient for the colonies," to secure redress of their grievances and to determine their rights, and to work toward an annual congress "to consider the proper means for the preservation of the rights and liberties of the colonies."[2] The

1. Samuel Adams to Silas Deane, Boston, 18 May 1774, Harry Alonzo Cushing, ed., *The Writings of Samuel Adams,* 4 vols. (New York, 1968), III, 115; *Providence Gazette and Country Journal,* 21 May 1774; *Boston Gazette and Country Journal,* 2 August 1773.

2. John Russell Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations in New England,* 10 vols. (Providence, 1856-1865), VII, 246-247.

selection of these two men signified at least a truce in political hostilities dating back to 1755 between the two dominant factions in Rhode Island, one led by Providence's Hopkins, the other by Newport's Ward. The struggle against Great Britain quickly overcame the many old divisions as the colony united to give its deputies very full powers in the congress.[3]

Connecticut, one of the stabler colonies, also surmounted a history of political cleavage in its selection of delegates to the congress. Although far from tidy, partisan allegiance tended to follow lines run between the crowded, progressive east and the conservative west, between the "New Light" and the "Old Light" schisms of the Great Awakening, and between the friends and enemies of the Susquehanna Company, a primarily eastern enterprise which tried to assert a dubious claim to northern Pennsylvania. Contemporaries, perhaps too simplistically, saw that the genealogy of the "several factions which have subsisted in this colony originat[ed] with the New London Society, thence metamorphosed into the faction for paper emissions on loan, thence into the New Light, into the Susquehanna and Delaware factions, into Orthodoxy, now into Stamp Duty, the actors the same, each change drawing in some new members."[4] The persistence of these divisions and the conservatism of the west appears crudely in the composition of the colony's committee of correspondence: four of the nine members came from Windham and New London counties, the stronghold of the "New Lights" and the Susquehanna Company; only two, including Speaker Ebenezer Silliman, represented western counties, and the remaining three lived in "Old Light," centrally located Hartford County. With the approach of its regular adjournment and the time and place of the congress as yet unsettled, on 3 June the lower house entrusted the appointment of its delegation to

3. On Rhode Island politics and factions, see Mack E. Thomson, "The Ward-Hopkins Controversy and the American Revolution in Rhode Island: An Interpretation," *William and Mary Quarterly,* 3rd series, XVI (1959), 363-375; David S. Lovejoy, *Rhode Island Politics and the American Revolution, 1760-1776* (Providence, 1958). For a brief statement of an older view reflecting the Becker thesis of an internal revolution, see Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781* (Madison, 1962), p. 40.

4. Benjamin Gale to Jared Ingersoll [1765], Robert Sklar, "The Great Awakening and Colonial Politics: Connecticut's Revolution in the Minds of Men," Connecticut Historical Society *Bulletin,* XXVIII (1963), No. 3, 81-82; Bernard Bailyn, *The Origins of American Politics* (New York, 1968), p. 97; Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution* (New York, 1963), pp. 280-300; William H. Nelson, *The American Tory* (Boston, 1964), pp. 97-98. On the Susquehanna Company and its outcome, see Lawrence Henry Gipson, *The British Empire Before the American Revolution,* XI: *The Triumphant Empire: The Rumbling of the Coming Storm, 1766-1770,* 15 vols. (Caldwell, Ida. and New York, 1936-1970), 377-416; on Connecticut politics, see Oscar Zeichner, *Connecticut's Years of Controversy, 1750-1776* (Chapel Hill, N.C., 1949).

this committee. The men chosen to attend the "congress or convention of commissioners or committees of the several Colonies in British America" were bound only "to consult and advise on proper measures for advancing the best good of the Colonies and such conferences from time to time to report to this house."[5] Like Rhode Island, Connecticut imposed few restrictions on its representatives.

On 13 July the committee met in New London and named a balanced deputation of five. It included Eliphalet Dyer, a resident of Windham in the east, a leader of the Susquehanna Company, justice of the Superior Court, and an Assistant or member of the Governor's Council and upper house, and Silas Deane of Wethersfield near Hartford, a prosperous lawyer and merchant who was well connected with the colony's aristocracy through his marriage to Elizabeth Saltonstall, and who served in the House of Representatives and as secretary of the committee of correspondence. It also picked Erastus Wolcott, deputy for East Windsor, Hartford County, and member of the committee of correspondence; Richard Law, assemblyman from New London, and William Samuel Johnson, the conservative Anglican Assistant from Stratford in the west and sometime colony agent in London. The committee announced its choice "to the expecting people," whereupon "a royal salute was fired from our battery, and also a salute from the shipping in the harbour. Decency, good order, and loyalty, were conspicuous in all ranks and degrees of people."[6] The celebration was somewhat premature, for Law, Wolcott and Johnson declined to go to Philadelphia. Law and

5. National Archives and Records Service, Records of the Continental and Confederation Congresses and the Constitutional Convention, Record Group 360, Item 1: Rough Journals, 1774-1789, I: 1774, 5-6.

This huge collection, informally known as the Papers of the Continental Congress, 1774-1789, will be cited hereafter as PCC; the Journal of the First Continental Congress, the first volume of 38, numbered 1-14 and 16-39, will be cited as PCC: Journal, I. This Journal appears with seven others from the Second Continental Congress on Roll 8 of the microfilm published by the National Archives.

Throughout this study I have used the spelling, punctuation and orthography of the original manuscript from the National Archives microfilm. For the convenience of readers, however, citation has also been made to Worthington C. Ford, *et al.*, eds., *Journals of the Continental Congress, 1774-1789,* 34 vols. (Washington, 1904-1937). Owing to the omission of the text of letters from the manuscript Rough Journal, in some instances only Ford has been cited.

In the short, double form, citation of the Connecticut resolution would appear as PCC: Journal, I, 5-6; Ford, ed., *Journals,* I, 17-18.

For a description of the manuscript collection, see the National Archives and Records Service pamphlets, *Papers of the Continental Congress, 1774-1789* (Washington, 1971), and *Miscellaneous Papers of the Continental Congress, 1774-1789* (Washington, 1962).

6. Peter Force, ed., *American Archives,* 4th series: *Containing a Documentary History of the English Colonies in North America, from the King's Message to Parliament, of March 7, 1774, to the Declaration of Independence,* 6 vols. (Washington, 1837-1846), I, 554-555.

Wolcott claimed that health prevented their accepting the appointments. Johnson pled "previous engagements" which was patently untrue; as he wrote to Richard Jackson, *"inter nous,* I did not think it advisable either on my own acct., or on account of the Colony to make one of that Assembly, though it is very unpopular at present to doubt in any measure either the legality or expediency of that measure."[7]

The refusal of Law, Wolcott and Johnson reduced Connecticut's representatives below the minimum of three prescribed by the Assembly in June, so the committee of correspondence reconvened on 3 August in Hartford and brought the deputation up to full strength by nominating two men, Roger Sherman and Joseph Trumbull, one of whom would attend the congress. Again, balance, compromise and unity dictated the decision. New Haven's Sherman, an immigrant from Massachusetts and poorly schooled cordwainer, had risen through the law and commerce to become Treasurer of Yale, an Assistant, judge of the Superior Court, and supporter of the Susquehanna claims. Trumbull, son of the Governor and son-in-law of Dyer, had been on the committee of correspondence when assemblyman for New London in 1773, was a factional leader, and had an interest in the Susquehanna venture. The choice of these two men demonstrated the concern for unity and the depth of the division. Eight committeemen, "schemers too you may well conclude," met in the provincial capital. An easterner proposed Sherman, a westerner, for the congress "to quiet the Minds of the People by equal location." They split four to four on this, with the opposition to Sherman arguing that the absence of both Dyer and Sherman would disrupt the Superior Court's proceedings, but finally compromised by recommending two men, leaving it to the first named, Sherman, to accept or reject the appointment. If Sherman declined, then Trumbull would join Dyer and Deane. That partisan, snobbish, Yale educated, mysterious arriviste, Silas Deane, who found the somewhat coarse and rough Sherman personally and politically distasteful, got to work at once to maneuver him off the delegation through Johnson.[8] But the tough old shoemaker, "a solid sensible Man" according to John Adams, failed to succumb to Deane's intrigues, and a highly variegated, unhappy deputation prepared to travel to Philadelphia with wide authority to act for Connecticut.[9]

7. Quoted in Christopher Collier, *Roger Sherman's Connecticut: Yankee Politics and the American Revolution* (Middletown, Conn., 1971), p. 89. Deane, however, accepted the public reason for Johnson's refusal and attempted to persuade others of the Anglican's fidelity to the cause (Silas Deane to Thomas Mumford, Wethersfield, 1 August 1774, Bancroft Collection, Miscellaneous Folders, New York Public Library).

8. Silas Deane to William Samuel Johnson, 2 August 1774, Johnson Papers, Connecticut Historical Society, quoted in Collier, *Sherman's Connecticut,* pp. 89-90.

9. Collier, *Sherman's Connecticut,* pp. 91-92; L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 100.

The 1774 term of the Massachusetts General Court opened in Boston on 25 May, only to be adjourned on the twenty-eighth by Governor Thomas Gage to Salem in compliance with the Port Bill. When the House reassembled on 7 June, it created a committee, chaired by Samuel Adams, to study the state of the province; one lone conservative, Daniel Leonard, sat on this committee. Fearful lest Leonard report their discussions to Gage, the committee held double sessions. During the day they met with Leonard present and considered "moderate and conciliating Measures," including payment for the tea. In the evenings they gathered without Leonard and consulted with other representatives about their real plans. They determined to propose to the House the election of five men to go to a congress. To maintain secrecy and legitimacy they had to remove Leonard before adopting any suggestion formally; Robert Treat Paine accomplished this by persuading Leonard to attend court with him in Taunton. With the trusting Leonard out of the way, the committee prepared its recommendations for the House. On 17 June, the representatives ordered the galleries cleared and the doors shut; by a vote of 117 to twelve they then named James Bowdoin, who later declined, Speaker Thomas Cushing, John and Samuel Adams, and Paine as delegates to meet in Philadelphia with others on 1 September. At the last minute Gage got wind of these proceedings and sent his secretary, Thomas Fletcher, with a proclamation of dissolution. "Outside of the Door," Fletcher read the proclamation ending the last legislature ever to convene under royal authority in Massachusetts.[10]

Despite Fletcher, some trickery and a locked door, the General Court had satisfied the legal criteria: a constitutionally summoned assembly had elected a delegation comprising three members of the lower house, Cushing, Samuel Adams and Paine, one councilor, Bowdoin, and one former deputy who recently had been rejected by the Governor for a council seat, John Adams.

Like every other colony, the Bay province had its factions and divisions; however, the committee and the House engaged in no such obvious balancing as occurred in Rhode Island and Connecticut. The Adamses, Cushing and Bowdoin resided in or near Boston, and Paine came from Taunton in the east. Inasmuch as Boston was the precipitant and cockpit of the crisis, the exclusively eastern complexion of the

10. *Journal of the Honorable House of Representatives of His Majesty's Province of the Massachusetts-Bay, in New-England, Began and held at Boston, in the County of Suffolk, on Wednesday the Twenty-fifth Day of May, Annoque Domini, 1774* (Boston, 1774), pp. 15, 45-46, 47; Thomas Gage to the Earl of Dartmouth, Salem, 26 June 1774, Clarence E. Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State, and with the War Office and the Treasury,* 2 vols. (New Haven, 1931-1933), I, 357; Benjamin Woods Labaree, *The Boston Tea Party* (New York, 1964), pp. 236-237; Force, ed., *American Archives,* 4th series, I, 421-423.

delegation possesses a special propriety, and certainly the lopsidedness of the vote demonstrates a cooling of regional jealousies in the face of Britain's attack on the metropolis. Similarly, they made no effort to send representatives of widely diverse views to Philadelphia. To be sure, Paine and Cushing, particularly the latter, lacked the fire of the Adamses, as did most men; but neither was lukewarm to the cause. Nor did Bowdoin's declination, unlike Johnson's in Connecticut, reflect doubts about the congress. The later differences which placed these men in opposing political camps nationally and locally in the 1780's had not yet emerged in 1774, and they went to the Quaker city in essential agreement on the issues.

The four men who represented Massachusetts at the First Continental Congress seem to have enjoyed the complete confidence of the General Court. The instructions they received empowered any three of them to act as a quorum:

> to consult upon the present State of the Colonies and the miseries to which they are and must be reduced by the operation of certain acts of parliament respecting America, and to deliberate and determine upon wise and proper measures to be by them recommended to all the Colonies for the recovery and establishment of their just rights & liberties civil & religious and the restoration of Union & harmony between Great Britain and the Colonies most ardently desired by all good men.[11]

Unhampered by any narrow limitations on their freedom of action, Speaker Cushing, Paine and the Adamses could set off for Philadelphia to "petition, or recommend to the Assemblies to petition, or —"; the idea of war gave pause.[12]

Pennsylvania also followed the course of legitimacy through Assembly election of its delegates, albeit not with the alacrity of the two corporate colonies and Massachusetts. The City Tavern gathering of 20 May had resolved to ask Lieutenant Governor John Penn to summon the legislature into session and had created a committee with the authority to call public meetings whenever necessary.[13] By 7 June "near nine hundred respectable freeholders in and near" Philadelphia had signed the petition to Penn who had learned of its circulation and had promised the Earl of Dartmouth to "treat it as it deserves"; he rejected it as not "expedient or consistent

11. PCC: Journal, I, 3-4; Ford, ed., *Journals,* I, 15-16.

12. Butterfield, ed., *Adams Diary, II, 94.*

13. See above, ch. 2, pp. 42-46.

with my Duty."[14] Charles Thomson had anticipated this and found it "far from being disagreeable to the advocates for America."[15] Even before Penn denied the petition, the committee began to mount pressure on the government by calling a mass meeting for 18 June. Meanwhile other groups congregated to prepare for the eighteenth. On 9 June about 1,200 mechanics gathered at the State House and appointed a committee to cooperate with a comparable committee of merchants. The next day "a number of Gentlemen of different classes, societies & parties met" in Philosophical Hall and discussed the Governor's refusal to bring the legislature into session. John Dickinson suggested that "the City and each County should in the same way they chuse representatives, elect a certain number of delegates [to form?] a provincial convention. And that this convention should elect the deputies." This proposal, of course, encountered opposition from the Quakers, Attorney General Andrew Allen, Provost William Smith of the College of Philadelphia, and Joseph Reed who hoped by delay to capture the Assembly for the more advanced Whigs in the October elections. Typically, they compromised, agreeing to solicit Joseph Galloway, the Speaker, to convene the legislature and to get ready for a convention if one proved necessary.[16]

On 18 June, some 8,000 people crowded into the State House Yard. Chaired by Dickinson and Thomas Willing, the meeting heard speakers ranging from the radical Thomson to the conservative Provost Smith and adopted a set of six resolutions which endorsed the congress, enlarged the city's committee of correspondence and entrusted it with the responsibility "for procuring this province to be represented at the said congress in the best manner that can be devised for promoting the public welfare." To their disgust and outrage, the mechanics could discover "Nothing but Timidity, Treachery, and distructive Delay" in these moderate resolves; further, they objected strenuously to the expanded committee of forty-three, which had been elected as a

14. William Duane, ed., *Extracts from the Diary of Christopher Marshall, Kept in Philadelphia and Lancaster, During the American Revolution, 1774-1781* (Albany, 1877), p. 6; John Penn to the Earl of Dartmouth, Philadelphia, 31 May 1774, Force, ed., *American Archives,* 4th series, I, 367-368; *Colonial Records of Pennsylvania: Minutes of the Provincial Council of Pennsylvania, From the Organization to the Termination of the Proprietary Government . . .,* 16 vols. (Harrisburg, 1852-1853), X, 180.

15. Charles Thomson to William Henry Drayton, n.d., *Pennsylvania Magazine of History and Biography,* II (1878), 416-417.

16. *New-York Gazette and Weekly Mercury,* 20 June 1774; Notes on a Meeting of a number of Gentlemen convened on the 10 June 1774, Charles Thomson Memo Book, 1757-1774, Gratz Collection, Case 14, Box 30, pp. 159-162, Historical Society of Pennsylvania; Duane, ed., *Marshall Diary,* p. 7; *Providence Gazette and Country Journal,* 25 June 1774; Charles Thomson to William Henry Drayton, n.d., *PMHB,* II, 417.

single slate, since it encompassed men of all views, including "our most inveterate, subtil, designing and determined Enemies, Men whose political Principles were always and will forever be on the Side of Power & Promotion."[17] Despite the dismay of the radical and perhaps democratic mechanics, the meeting achieved much: the new committee was less moderate than the one nominated on 20 May, its powers were broadened to facilitate the holding of a convention, divisions were avoided in this politically complex city, and within a few days John Penn used the pretext of Indian troubles on the frontier to summon the Assembly for 18 July.[18]

Having little confidence in the Assembly, the committee, sitting in Carpenters' Hall, worked to coordinate the activities of the recently organized committees in the counties of the colony and to bring them together in a provincial convention on 15 July. Elected by the legally eligible voters in each county, the Convention met in Carpenters' Hall and immediately approved sixteen resolutions which denounced the idea of independence, proclaimed Anglo-American equality, attacked the Coercive Acts, endorsed a continental congress, stated a preference for petition to boycott as a means to seek redress, and determined to draw up instructions for the Assembly. While these passed unanimously, two others, XI and XII, which secured only "a great majority" and "a majority," were potentially more important. For the sake of American unity, the eleventh committed Pennsylvania to abide by a congressional nonimportation and nonexportation agreement, and the twelfth pledged the province to follow the congress in "any farther steps than are mentioned in the eleventh resolve. . . ."[19] Pennsylvania was being readied to go beyond nonintercourse.

The Convention spent the next several days debating and amending the instructions which Dickinson and others had been drafting since 4 July. On the

17. Charles Thomson to William Henry Drayton, n.d., *Revolutionary Papers,* I: *The Papers of Charles Thomson, Secretary of the Continental Congress, Collections* of the New-York Historical Society, XI (1878), 223-224; Jacob C. Parsons, ed., *Extracts from the Diary of Jacob Hiltzheimer* (Philadelphia, 1893), p. 31; *Pennsylvania Packet,* 27 June 1774; The Mechanics to John Dickinson, 27 June 1774, R. R. Logan Collection, John Dickinson Papers, 156, Library Company of Philadelphia.

18. *Colonial Records of Pennsylvania,* X, 180.

19. John B. Linn and William H. Egle, eds., *Pennsylvania Archives,* 2nd series, 19 vols. (Harrisburg, 1874-1893), III, 546-549. All eleven counties sent delegates to the Convention. Philadelphia, however, with thirty-four of the seventy-five members dominated it. While this assured the presence of a number of moderates and conservatives, according to Theodore Thayer, most of the westerners were radical *(Pennsylvania Politics and the Growth of Democracy, 1740-1776* [Harrisburg, 1953] , p. 159).

twentieth the Convention completed the instructions which were presented the next day to the Assembly.[20] These instructions acknowledged both the colony's allegiance to the King and his right to exercise much more prerogative authority than more advanced American thinkers did.[21] The Pennsylvanians, however, repudiated the power claimed by Parliament in the Declaratory Act to bind the plantations by statute in all cases. To restore harmony and the constitution, the Convention asked the Assembly to select delegates to an intercolonial congress and to instruct those delegates "to obtain a renunciation on the part of Great Britain" of "all powers of internal legislation," internal and external taxation and much trade regulation. It also required the repeal of the Intolerable Acts. In return, the Convention undertook to accept the Navigation Acts, "to settle a certain annual revenue on his majesty . . . subject to the controul of parliament," and to pay "all damages done to the East India Company." If the Congress rejected these proposals, Pennsylvania's deputation could concur in others, if they incorporated a revenue for the King and restitution to the Company. These suggested instructions also urged the avoidance of a boycott but with the same qualifications as appeared in the eleventh and twelfth resolutions of the Convention's opening day. Finally, although the delegates were to attempt the procurement of these points, they were to be free "to agree to any measure that shall be approved by the congress. . . ."[22] That these instructions, which contained "the sentiments which then prevailed in that Province," should concede so much to the mother country attests to the colony's caution and the lengths to which the radicals would go to secure unity. To an outsider, Virginia's James Madison, they "presume too much on the generosity & Justice of the crown"; even so, Pennsylvania's conservatives thought them too strong.[23]

Meanwhile the Assembly convened and quickly handled some routine petitions and the frontier problem. As anticipated by Penn, it then turned to "the Boston

20. Linn and Egle, eds., *Pennsylvania Archives,* 2nd series, III, 549-550.

21. For example, Thomas Jefferson; see above, ch. 2, pp. 55-56.

22. Linn and Egle, eds., *Pennsylvania Archives,* 2nd series, III, 551-564.

23. Charles Thomson to William Henry Drayton, n.d., *Thomson Papers, Collections* of the New-York Historical Society, XI, 229; James Madison to William Bradford, Virginia, 23 August 1774, William T. Hutchinson and William M. E. Rachal, eds., *The Papers of James Madison* (Chicago, 1962-), I, 121; Robert Boyd to [Edward Shippen], Philadelphia, 21 July 1774, Shippen Papers, Miscellaneous Correspondence, American Philosophical Society.

affair."[24] Threatened with the selection of a deputation by the Convention if it failed to act, on 22 July the legislature appointed seven men to represent the province in the congress. Led by Galloway and publicly warned against "THE BEGINNING OF REPUBLICANISM" by "A Freeman," the Assembly snubbed a Convention recommendation to name Dickinson, Thomas Willing and James Wilson, and confined its choice to members of the House.[25] The delegation included Speaker Galloway, a Bucks County Quaker turned Anglican, perhaps still the most powerful man in regular provincial politics, a Tory "who has been supposed to sit on the Skirts of the American Advocates," and a man with an "Air of Reserve, Design and Cunning. . . ."[26] The legislature also picked Thomas Mifflin, a well-educated Quaker merchant of considerable standing in the city's radical circles, and a "sprightly and spirited Speaker"; Samuel Rhoads, the moderate representative for the county of Philadelphia, a Quaker, a friend of Franklin, designer of the Pennsylvania Hospital, director of the Library Company, vice-president of the American Philosophical Society, and member of the Carpenters' Company – the epitome of the civic pride and consciousness of the successful artisan; and another Friend, Charles Humphreys, a conservative miller from Haverford and "obscure assemblyman who but the moment before he was appointed voted against the having a congress at all."[27] Three Anglicans attended for Pennsylvania: Edward Biddle, a Reading lawyer, spokesman for Berks County at the Convention and political progressive; John Morton, a Chester County judge of Swedish extraction, member of the Stamp Act Congress and later a signer of the Declaration of Independence; and George Ross, also a signer, a Lancaster barrister and member of the Convention. Not until after the October provincial elections, which returned Dickinson to the House, did the "Farmer" receive a seat in the congress, replacing Rhoads who resigned to become mayor of Philadelphia. Skewed slightly in favor of the radicals and more liberal moderates and balanced between Anglicans and Friends, this delegation, one of the least distinguished, reflected nothing of the colony's sectional jealousies and virtually nothing of its old party alignments, and ignored the Presbyterians. Its breadth and legitimacy, however, did manifest an important radical and moderate achievement

24. John Penn to Lady Juliana Penn, Philadelphia, 24 June 1774, *PMHB,* XXXI (1907), 236. Although he delayed calling the Assembly, Penn preferred it to extra-constitutional gatherings, for the legislature "will be more moderate in their Resolves than the people in their Town Meetings. . . ."

25. Force, ed., *American Archives,* 4th series, I, 607-608.

26. John Adams to Abigail Adams, Philadelphia, 7 October 1774, L. H. Butterfield, ed., *The Adams Papers: Adams Family Correspondence* (Cambridge, Mass., 1963-), I, 165; Butterfield, ed., *Adams Diary,* II, 121.

27. Butterfield, ed., *Adams Diary,* II, 150; William Bradford to James Madison, 1 August 1774, Hutchinson and Rachal, eds., *Madison Papers,* I, 118.

in the very complicated socio-political context of Pennsylvania: "without tumult, without disorder or divided councils, the whole Province was by prudent management and temperate proceedings brought into the opposition with its whole weight and influence."[28]

Fortunately, the Assembly wisely rejected the lengthy and detailed instructions submitted by the Convention. Instead, on 23 July, it approved a brief, general paragraph which made allowances for the "diversified" nature of "the Course of your Deliberations. . . ." The House simply directed its deputies to consult with men from other plantations "on the present critical and alarming Situation and State of the Colonies," and to "exert your utmost Endeavors to form and adopt a Plan, which shall afford the best prospect of obtaining a Redress of *American* Grievances, ascertaining *American* Rights, and establishing that Union and Harmony which is most essential to the Welfare and Happiness of both Countries." The only limitation imposed on their conduct was the charge "to avoid every Thing indecent or disrespectful to the Mother State."[29] Required only to be courteous in registering a protest, the Pennsylvanians were free to join in any consensus which emerged from the congress.

South Carolina followed a course midway between Massachusetts's and Pennsylvania's. The Commons House of Assembly, despite the opposition of Lieutenant Governor William Bull, eventually elected deputies, or more precisely ratified the choice already made by a provincial convention. Bull prorogued the regular session of the legislature on 28 March to 3 May, then to 7 June and later to 2 August. In response to this, Charlestonians convened at the City Tavern on 13 June and summoned a general meeting of the colony's inhabitants for 6 July to consider the letters and resolutions brought from the north and "such Steps as are necessary to be pursued" with the other dominions "to avert the Dangers impending over *American Liberties*. . . ."[30] On the announced day, 104 representatives, including forty-two members of the House, from most of the province's parishes gathered at the Exchange with Colonel George Gabriel Powell in the chair. At once they approved rules which

28. Charles Thomson to William Henry Drayton, n.d., *Thomson Papers, Collections* of the New-York Historical Society, XI, 229.

29. Gertrude MacKinney and Charles F. Hoban, eds., *Pennsylvania Archives,* 8th series, 8 vols. (Harrisburg, 1931-1935), VIII, 7100.

30. John Drayton, *Memoirs of the American Revolution, from Its Commencement to the Year 1776, Inclusive; As Relating to the State of South-Carolina: and Occasionally Refering to the States of North-Carolina and Georgia,* 2 vols. (Charleston, 1821), I, 112-113; *South-Carolina Gazette,* 13 June 1774.

permitted voting by person rather than by political unit and which allowed anyone present to participate; this gave the Charleston mechanics and neighboring planters a dominant voice in the Convention.[31]

On the first day the meeting adopted a set of resolutions. In these the South Carolinians affirmed their allegiance to the King, asserted their equality with Englishmen, recited the now commonplace objection to taxation without representation, and demanded the repeal of a number of specific Parliamentary statutes. This much was easily done, and the Convention turned to more ticklish problems. Although all favored an intercolonial congress, the proposal to enter into an immediate nonintercourse agreement provoked an argument which foreshadowed the province's ambivalence toward economic sanctions in the First Continental Congress. Unable to reach a conclusion on this problem, it began to discuss the number, powers and composition of South Carolina's delegation. Warm debate yielded only one tentative decision: five men should attend the congress.[32]

On the second day the meeting took up the questions of powers and personnel again. The Rutledges, John and Edward, urged the avoidance of any precipitant suspension of trade and recommended the bestowal of full authority on the colony's deputies; apparently they hoped that the congress would seek redress through petition and remonstrance before moving to boycott.[33] Rawlins Lowndes, Speaker of the House, wanted restrictions placed on the five, for "the Northern Colonies in general, totally denied the superintending power of Parliament; a doctrine, which no one here admitted. And, unless the Deputies from this Colony, appeared in Congress with limited powers; being outnumbered by the Northern Deputies, they, and consequently their constituents, would be bound by votes upon points, which they at present absolutely denied." Although a few radicals such as Christopher Gadsden dissented, Lowndes correctly "declared the prevailing opinion" of South Carolinians on the constitution and the Convention drafted instructions accordingly.[34] The as yet unnamed men were to have "full Power and Authority . . . to concert, agree to, and effectually prosecute such legal Measures . . . as in the Opinion of said Deputies, and of the Deputies to be assembled, shall be most likely to obtain a Repeal of" the

31. Drayton, *Memoirs,* I, 126-127.

32. Drayton, *Memoirs,* I, 127-129.

33. Drayton, *Memoirs,* I, 129; Edward Rutledge to Ralph Izard, Charleston, 21 July 1774, Anne Izard Deas, ed., *Correspondence of Mr. Ralph Izard, of South Carolina, from the Year 1774 to 1804, with a Short Memoir,* 2 vols. (New York, 1844), I, 3-4.

34. Drayton, *Memoirs,* I, 130.

Intolerable Acts and redress of other grievances.[35] Thus South Carolina would accept as binding only those congressional resolutions in which its own representatives concurred.

With the imposition of this restriction, the choice of delegates became extremely important. The Charleston Chamber of Commerce, which feared the congress would suspend trade, put up a slate consisting of Lowndes, Henry Middleton, John Rutledge, Charles Pinckney and Miles Brewton. A second ticket had the support of the more progressive city artisans and nearby planters. It included two brothers, John and Edward Rutledge, who both failed to impress John Adams two months later. The former struck the sharp penned New Englander as having "Nothing of the profound, sagacious, brilliant, or sparkling in his first Appearance," but within a few days as sharing Galloway's "Air of Reserve, Design and Cunning. . . ." Twenty-four-year-old Edward Rutledge fared no better: in early September he "is young – sprightly but not deep," "Speaks through his nose," and "seems good natured, tho conceited"; however, by late October he had proved himself to be "a perfect Bob o' Lincoln – a Swallow – a Sparrow – a Peacock – excessively vain, excessively weak, and excessively variable and unsteady – jejune, inane, and puerile."[36] This list also put forward the "silent and reserved" Henry Middleton, Edward Rutledge's father-in-law; Thomas Lynch, "a solid, firm, judicious Man," who, according to Silas Deane, "is plain, sensible, above ceremony, and carries with him more force in his very appearance than most powdered folks in their conversation"; and Christopher Gadsden, who "leaves all New England Sons of Liberty far behind, for he is for taking up his firelock and marching direct to Boston. . . ."[37] When the poll opened, the merchants erred by collecting their clerks and others and marching as a body to vote for the Chamber's nominees. This alarmed their opponents who scoured the city and brought in enough men to carry the election by a majority of 397. The Rutledges, Middleton, Gadsden and Lynch, all of whom lived in or near the metropolis, would go to Philadelphia, their freedom somewhat curtailed by rather parochial instructions.[38]

35. *South-Carolina Gazette,* 11 July 1774.

36. Butterfield, ed., *Adams Diary,* II, 119, 121, 156.

37. Butterfield, ed., *Adams Diary,* II, 116, 117; Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Correspondence of Silas Deane, Delegate to the First and Second Congress at Philadelphia, 1774-1776, Collections* of the Connecticut Historical Society, II (1870), 175.

38. Drayton, *Memoirs,* I, 131; Edward Rutledge to Ralph Izard, Charleston, 21 July 1774, Deas, ed., *Izard Correspondence,* I, 5.

The last order of business before the Convention was the creation of a committee of ninety-nine to correspond with other colonies and to "do all Matters and Things necessary to carry" the meeting's resolutions "into Execution. . . ."[39] This committee, "virtually vested . . . with unlimited powers, during their existence," contained fifteen merchants and fifteen mechanics from Charleston and sixty-nine planters from other parts of the colony.[40] Elected by the city dominated Convention, not by the parishes and counties, this committee became the government of the province upon the collapse of royal authority. While carefully balancing the city's interests, the cavalier way in which Charlestonians presumed to select members for the country demonstrated little sensitivity for the west, a west already made wary of easterners by decades of neglect and a west which consequently would reveal considerable loyalty to the mother country in 1775.[41]

Just as the Bay colonists had tricked Gage, South Carolinians left nothing to chance in dealing with Bull. On 2 August, the Commons House assembled; however, anticipating another prorogation, it met at 8:00 a.m. instead of the customary hour of 10:00 a.m. Bull learned of this irregularity within five minutes and decided to prorogue it again. Delayed very briefly while awaiting one or two Councilors to appear, he summoned the House and prorogued it until 6 September. He acted too late, for in the short interval allowed them, the province's assemblymen confirmed the Convention's selection of delegates and its instructions, and appropriated £1,500 for their expenses.[42] Thus by convention, lower house and ruse, South Carolina appointed a deputation to the First Continental Congress which satisfied the colonial sense of constitutionality and legitimacy.

None of the remaining seven plantations which sent deputies to the congress achieved the same degree of legitimacy; six of them, beginning with Maryland, for one reason or another had to resort to conventions. In Maryland complications in the will

39. *South-Carolina Gazette,* 11 July 1774.

40. Drayton, *Memoirs,* I, 131-132.

41. On South Carolina's internal problems and Regulator Movement, see Gipson, *British Empire,* XI, ch. 15; Richard M. Brown, *The South Carolina Regulators* (Cambridge, Mass., 1963); Robert M. Weir, " 'The Harmony We Were Famous For': An Interpretation of Pre-Revolutionary South Carolina Politics," *William and Mary Quarterly,* 3rd series, XXVI (1969), 473-501.

42. William Bull to the Earl of Dartmouth, Charleston, 3 August 1774, Force, ed., *American Archives,* 4th series, I, 672; Journals of the Commons House of Assembly of South Carolina, 1772-1775 (Library of Congress microfilm), p. 172.

of the late proprietor, Frederick, Lord Baltimore, necessitated a short visit to England by his brother-in-law, Governor Robert Eden. On 19 April 1774, Eden prorogued the Assembly until 11 July and prepared for his departure.[43] He returned in November to a markedly different province, one in which the legislature had not met in July and would never again sit by virtue of writs issued by a proprietary governor. In the absence of constitutional authority and in the trail of many town and county meetings, the Maryland Convention convened on 22 June at Annapolis with Matthew Tilghman, Speaker of the House, in the chair. Voting by county, the Convention reiterated America's grievances, called for unity and recommended a joint nonintercourse agreement as "the most speedy and effectual Means to obtain Repeal" of the offending statutes "and preserve North America and her Liberties." They tacked on but one qualification to the proposal for a boycott: nonexportation of tobacco was to depend on the concurrence of the other two tobacco colonies, Virginia and North Carolina.[44]

The Convention also appointed and instructed a five-man committee to represent Maryland at an intercolonial congress. The five were Matthew Tilghman, Robert Goldsborough, William Paca, "a deliberator," Samuel Chase "of a temper naturally quick and warm," and Thomas Johnson, who "has a clear and a cool Head, an extensive Knowledge of Trade, as well as Law."[45] They all lived in the eastern part of the province, two on the Eastern Shore, two in Annapolis and one in Anne Arundel County, and all were Anglicans. Four of the five sat in the recently prorogued Assembly, and the fifth, Goldsborough, had served as the colony's Attorney General. Any two of the five had the authority to speak for Maryland in the congress and to engage the province in "one general Plan of Conduct, operating on the commercial Connexion of the Colonies with the Mother Country, for the Relief of Boston and Preservation of American Liberty. . . ." In addition, they could agree to nonexportation to the West Indies and could accept any congressionally approved exceptions to nonimportation which a particular dominion might require.[46] And Maryland, with no reservations save that on tobacco, committed itself to abide by the decisions reached by a majority in the congress.

43. Rosamund Randall Beirne, "Portrait of a Colonial Governor: Robert Eden," *Maryland Historical Magazine,* XLV (1950), 162-165; W. H. Browne, *et al.*, eds., *Archives of Maryland,* 65 vols. (Baltimore, 1883-1952), LXIV, 361.

44. *Virginia Gazette* (Purdie and Dixon), 21 July 1774.

45. Butterfield, ed., *Adams Diary,* II, 150 and III, 311.

46. *Virginia Gazette* (Purdie and Dixon), 21 July 1774.

In New Hampshire, the next colony to hold a convention, Governors Benning Wentworth (1741-1767) and John Wentworth (1767-1776), his nephew, erected and successfully maintained the only colonial political structure patterned on the English model of "influence."[47] When the province's lower house named a committee of correspondence on 28 May 1773, Governor John Wentworth promptly prorogued it and kept it prorogued until 11 January 1774, finally dissolving it on 7 March. A new Assembly met on 7 April, but upon its reappointment of a committee of correspondence on 28 May, Wentworth adjourned it and continued to adjourn it until 8 June.[48] Then, hearing of the arrival of two letters urging an intercolonial congress, the Governor "considered it to be improper to admit their proceedings, and therefore immediately put an end to the committees . . . and to the Assembly, by a dissolution. . . ." He thought that this "precluded any meeting of these persons to contrive undesirable measures, or pursue those in their private capacity, that were attempted as an Assembly, which was extremely disconcerted, and I hope will counteract, the efforts of those who strive to lead this Province into combinations with the Massachusetts Bay."[49] Wentworth, like Gage and William Franklin, of course, failed to judge the situation accurately.

Ignoring the niceties of the law, the committee of correspondence of the late House gathered in the "Representative chamber in Portsmouth, there to deliberate and act, particularly to choose delegates for a general American Congress. . . ." Governor Wentworth learned of this, summoned the Council and with it and the sheriff in attendance went to the meeting. He ordered the committee to "disperse and keep the

47. On New Hampshire's political structure and Wentworth's power, see Jere R. Daniell, *Experiment in Republicanism: New Hampshire Politics and the American Revolution, 1741-1794* (Cambridge, Mass., 1970). For a briefer account of the foundation years of the Wentworth regime, see Daniell, "Politics in New Hampshire under Governor Benning Wentworth, 1741-1767," *William and Mary Quarterly,* 3rd series, XXIII (1966), 76-105.

48. Nathaniel Bouton, *et al.,* eds., *Documents and Records Relating to the Province [Towns and State] of New Hampshire, 1623-1800,* 40 vols. (Concord, Manchester and Nashua, 1867-1943), VII, 329-334, 352, 359, 366-367, 368-369.

49. Governor John Wentworth to the Earl of Dartmouth, New Hampshire, 8 June 1774, Bouton, *et al.,* eds., *New Hampshire Provincial Papers,* VII, 369. This letter contains an extraordinary demonstration of Wentworth's false perception of the crisis. He planned to delay calling a new Assembly "in expectation that *a few weeks* will convince those who may be members, of the imprudence an[d] error of measures that tend to weaken or subvert the subordination of the Colonies." Italics mine.

King's peace, which was done before they had entered on any business, and I expect will be obeyed. . . ."[50] Again, he erred, for the committee simply retired to a tavern and decided to issue a call for a provincial convention to convene at Exeter on 21 July. It also asked the towns to raise £300 in proportion to their provincial tax rate to defray the expenses of deputies to a congress. At last the Governor began to perceive the depth of New Hampshire's determination; he wrote on 13 July to Dartmouth that "It is yet uncertain how far these requisitions will be complied with; but I am apt to believe the spirit of enthusiasm, which generally prevails through the colonies, will create an obedience that reason or religion would fail to procure."[51] That it took the native-born Wentworth, in office since 1767, nephew of his predecessor and of the Speaker of the House, until 13 July 1774 to realize that all would not pass in "a few weeks" affords a glaring illustration of the administration's underestimation of the seriousness of America's resentment.

On 21 July, eighty-five men assembled in Exeter as the First Provincial Congress. Its chairman was Speaker John Wentworth, the Governor's uncle. After resolving unanimously that "under the present Perplexed Situation of the public Affairs of the Colonies, it is expedient and necessary to send . . . Delegates to the General Congress," the Convention selected the "very cool & moderate" Nathaniel Folsom and the "rather more warm, but very candid" John Sullivan to go to Philadelphia.[52] The latter, a beneficiary of Governor Wentworth's patronage, very successfully practiced law in Durham where he early on antagonized many of his fellow townsmen by "Oppressive Extortive Behaviour" and drive to make "his Fortune, out of the Ruin of the poor harmless People, taking of them Unreasonable Fees from such as were not able to Command Cash enough to pay their public Tax, or to provide Bread for their Families. . . ."[53] Possibly for this reason Durham never returned him to the provincial legislature. Folsom, an Exeter merchant and militia officer, first entered the House in 1774. Like the other New England delegates, Folsom and Sullivan received very full

50. Governor John Wentworth to the Earl of Dartmouth, New Hampshire, 6 July 1774, Bouton, *et al.*, eds., *New Hampshire Provincial Papers,* VII, 410.

51. Bouton, *et al.*, eds., *New Hampshire Provincial Papers,* VII, 411.

52. Bouton, *et al.*, eds., *New Hampshire Provincial Papers,* VII, 407; [Joseph Galloway] to William Franklin, Philadelphia, 3 September 1774, W. A. Whitehead, *et al.*, eds., *Archives of the State of New Jersey,* 1st series: *Documents Relating to the Colonial History of the State of New Jersey,* 42 vols. (Newark and Trenton, 1880-1949), X, 476.

53. New Hampshire Superior Court Records, 1764-67, pp. 390-392, New Hampshire Historical Society, quoted in Charles P. Whittemore, *A General of the Revolution: John Sullivan of New Hampshire* (New York, 1961), p. 5.

powers "to devise consult and adopt such Measures as may have the most likely Tendency to extricate the Colonies from their present Difficulties, to secure and perpetuate their Rights, Liberties and Privileges, and to restore that Peace, Harmony and mutual Confidence, which once happily subsisted between the Parent Country and her Colonies."[54] These "Measures," perhaps deliberately, did not have to "avoid every Thing indecent," be "legal," or coincide with the particular interests of New Hampshire.

On the same day, 21 July, New Hampshire held its convention, seventy-two men came together as "a general meeting of the Committees of the several Counties in the Province of New Jersey" in New Brunswick.[55] New Jersey, too, had sought to proceed in a constitutional fashion, asking Governor Franklin to summon a session of the Assembly; he refused to comply, however, "as there is no public Business of the Province which can make such a Meeting necessary."[56] Rebuffed, the colonists, beginning in Essex County, gathered locally, adopted resolutions and appointed representatives to attend a provincial convention. Franklin does not seem to have attached much importance to this convention; not until 6 September did he report to Dartmouth that "nothing of a public Nature worth communicating has occurred in this

54. Bouton, *et al.*, eds., *New Hampshire Provincial Papers,* VII, 407.

55. Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 469.

56. Extract of a letter from one of the Members of the House of Assembly of New-Jersey, 2 June 1774, Force, ed., *American Archives,* 4th series, I, 380; William Franklin to the Earl of Dartmouth, Burlington, 28 June 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 464-465.

Franklin seems to have been somewhat ambivalent about a congress. While not approving of a provincially initiated meeting, he saw some benefit accruing from a properly authorized intercolonial assembly. In his letter of 28 June to Dartmouth, he wrote, "Their principal Aim seems to be to bring about a Congress of Deputies from all the Colonies, as proposed by Virginia, and that that Congress should not only apply to His Majesty for the Repeal of the Boston Port Act, but endeavour to fall upon Measures for accomodating the present Differences between the two Countries, and preventing the like in the future. It is indeed thought by many of the Friends of Government here, that a Congress if properly authorized by His Majesty, and consisting of the several Governors, & some Members of the Council and Assembly in each Province, would be productive of the most beneficial Consequences to the British Empire in general, more especially if they were assisted by some Gentlemen of Abilities, Moderation and Candour from Great Britain commissioned by His Majesty for that Purpose. There has been, indeed, an Instance of Commissioners being sent over to settle Matters of far less Importance to the British Interest, than those now agitated, which are, perhaps, worthy of more Attention and Consideration than any Thing that has ever before Concerned Great Britain. At present there is no foreseeing the Consequences which may result from such a Congress as is now intended in America, chosen by the Assemblies, or by Committees from all the several Counties, in each of the Provinces."

Province, except that there has been a general Meeting of the Committees of the Several Counties at New Brunswick, when they came to Resolutions Similar to those of the other Colonies. . . ."[57]

The resolutions did indeed resemble those adopted in the other plantations. The New Jersey committees avowed their loyalty to the King and detestation of "all thoughts of an independence on the Crown of Great Britain," asserted their determination to oppose "by all constitutional means in our power" Parliament's claim to complete legislative authority over America, denounced the acts punishing Massachusetts and called for unity in a congress for "the re-establishment of the constitutional rights of America on a solid and permanent foundation." To effect this, they recommended a nonimportation and nonconsumption agreement by the congress to which they elected Stephen Crane, John DeHart, James Kinsey, William Livingston and Richard Smith.[58] It appears that in the appointment of these five men, the Convention sought a sectional balance. Two of them, DeHart and Crane, resided in the eastern part of the colony; two others, Kinsey and Smith, came from Burlington in west New Jersey. The fifth, William Livingston, lived as a gentleman farmer at "Liberty Hall" near Elizabeth in the east. A scion of New York's Livingston clan, he was, as the author of the *Independent Reflector,* probably New Jersey's most well-known Whig; on 1 September he appeared to John Adams as a "plain Man, tall, black, wears his Hair – nothing elegant or genteel about him. They say he is no public Speaker, but very sensible, and learned, and a ready Writer."[59] The composition of the delegation also signifies a striving toward legitimacy, for two had sat in the adjourned Assembly and a third had served as its clerk. These five men received instructions from the Convention "to meet, consult, and advise" with others and "to determine upon all such prudent and lawful measures as may be judged most expedient for the Colonies immediately and unitedly to adopt, in order to obtain redress for an oppressed people, and the redress of our general grievances."[60] Like Pennsylvania, New Jersey moved cautiously, but despite its Governor, it did move.

The patriots of Delaware could not wait for the next legally scheduled term of the legislature on 30 September and believed it futile to apply to the proprietary governor, John Penn, for a special session, so they too picked delegates to the congress in a convention. The initiative came from Newcastle which held a county meeting on 29

57. Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 473.

58. Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 469-471.

59. Butterfield, ed., *Adams Diary,* II, 119.

60. Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 471-472.

June. It resolved to ask the Speaker of the House, Caesar Rodney, to invite the members of the Assembly to gather as a convention in Newcastle no later than 7 August.[61] Rodney concurred, but thought that propriety required his deferring until after Kent County had made a similar request, "least it Should give offence to some who would wish To have a hand in Every good Work, and Thereby injure the Cause —."[62] Even in little Delaware the damage jealousies could wreak had to be taken into account; and, as it happened, Rodney's delay was justified, for "Some people were much displeased with your haveing appointed New castle . . . and it was not without some difficulty that Some others Reconciled the people to the place. . . ." Rodney also had to mollify Sussex, where "they are so offended at your fixing the mode and place, but more especially the place That they are determined not to fall in With your Plans But that the people at their meeting, Shall or Will chuse one Deputy [to the congress] for that County."[63] The Speaker succeeded, and Kent and Sussex called county gatherings which agreed to participate in a provincial convention.

The regular members of the Assembly met as the Delaware Convention during the first two days of August in Newcastle and placed the Speaker in the chair. They unanimously selected three representatives to the approaching congress. The first was Caesar Rodney, "the oddest looking Man in the World. He is tall — thin and slender as a Reed — pale — his Face is not bigger than a large Apple. Yet there is Sense and Fire, Spirit, Wit and Humour in his Countenance."[64] The other two were George Read, a "shrewd lawyer, of gentle manners, and of considerable talents and knowledge," and Thomas McKean, a radical from Newcastle.[65] For political achievement, past and future, Delaware's deputation was among the more distinguished: McKean and Rodney had attended the Stamp Act Congress, all three signed the Declaration of Independence, Read was a delegate to the Constitutional Convention of 1787 and a United States Senator.

The Delaware Convention also endorsed one of the most explicit and forthright sets of instructions. It directed its delegates to "endeavor to prevail with the Deputies

61. Force, ed., *American Archives,* 4th series, I, 664.

62. To John McKinly, *et al.,* Dover, 15 July 1774, George Herbert Ryden, ed., *Letters to and from Caesar Rodney, 1756-1784* (Philadelphia, 1933), p. 41.

63. Caesar Rodney to George Read, Dover, 21 July 1774, Ryden, ed., *Rodney Letters,* pp. 41-42.

64. Butterfield, ed., *Adams Diary,* II, 121.

65. George W. Corner, ed., *The Autobiography of Benjamin Rush: His "Travels Through Life" together with his Commonplace Book for 1789-1813* (Princeton, 1948), p. 150.

of the other Colonies and Provinces at the general Congress," to "solemnly and sincerely promise and declare that we do and will bear faith and true allegiance to his most sacred Majesty King *George* the Third," to affirm that Americans "have had and of right ought to have and enjoy all the liberties, privileges and immunities of free and natural born subjects within any of his Majesty's Dominions, as full and amply as if they and every one of them were born within the Realm of *England,*" and to insist that only colonial assemblies could make laws "in the article of taxation and internal police." More specifically, the Convention denounced much of the Trade and Navigation system – a fairly unusual object of attack in public statements – and the Coercive Acts. To secure redress and a redefinition of the constitution in American terms, Rodney, McKean and Read were to work for petitions to the King, Lords and Commons and a nonimportation-nonexportation agreement which Delaware regarded as both "peaceable and constitutional" and as one of the "lawful ways and means in our power, to maintain, defend, and preserve our . . . rights and liberties. . . ." Despite the detail and "peaceable" conditions of these instructions, the meeting did not mean that its representatives "should be restrained from agreeing to any measures that shall be approved by the Congress."[66] The Delaware delegation set off for Philadelphia with *carte blanche.*

As the eighteen-member Delaware Convention assembled in Newcastle, the late House of Burgesses met in Williamsburg as the Virginia Convention.[67] Confident of its place in government and society since the upheavals of the 1670's, the Virginia gentry revealed its genius for compromise and the recognition of talent in the Convention as it had in the House for several generations. Aided by years of contact in the legislature and an extraordinarily intricate kinship network which transcended regional and political differences, the Convention elected one of the most balanced and eminent delegations to attend the congress. Heading it was Peyton Randolph, "a large, well looking Man," Speaker of the House, chairman of the committee of correspondence, Burgess for Williamsburg, and conservative Whig who had resisted Patrick Henry's radicalism – but a Whig.[68] Aligned with Randolph stood his brother-in-law, Benjamin Harrison, "an uncommonly large man [who] appears rather rough in his address and speech," the fifth generation of that name to sit in the House or hold provincial office, member for Charles City, also a conservative Whig and opponent of Henry, and a signer

66. Force, ed., *American Archives,* 4th series, I, 667-668.

67. On the circumstances of the calling of the Virginia Convention, see above, ch. 2, pp. 46-49; on its general resolutions and a proposed set of instructions, Jefferson's *Summary View,* see above, ch. 2, pp. 54-56.

68. Butterfield, ed., *Adams Diary,* II, 120.

of the Declaration of Independence.[69] The Convention appointed a third of this stripe, Richard Bland, a "plain, sensible man, deeply studied into and acquainted with the antiquities of Virginia and of this Continent in general," a Randolph on his mother's side, deputy for Prince George County in the tidewater, and antagonist of Henry until his death in 1776.[70] In a move to assure the support of the more traditional elements in the Old Dominion, the Convention also named Edmund Pendleton, "a lawyer of eminence, of easy and cheerful countenance, polite in address and elegant if not eloquent in style and elocution," member of the House for Caroline, linked by blood to the Taylors of that county, and yet another opponent of Henry; however, Pendleton later drew up the resolutions directing Virginia's delegates to the Second Continental Congress to propose independence, presided over the state's ratifying convention in 1788 and became a Jeffersonian Republican.[71] These four men were conservative, not in the Tory sense of Joseph Galloway; rather they were Whigs who, like John Dickinson, had a very deeply imbued regard for the past and for tried constitutional procedure.[72]

Two radical orators, "the *Demosthenes* and *Cicero* of America," offset the four conservatives.[73] Patrick Henry, "the laziest man in reading" Thomas Jefferson ever knew and "the completest speaker" Silas Deane ever heard, Burgess for Hanover west of the fall line, had won a reputation for radicalism and for disregard for the tidewater aristocracy in the 1760's.[74] Along with Jefferson and Richard Henry Lee of Westmoreland, he led the radical Whigs in the movement for the intercolonial congress and a provincial convention. Later he fought the Constitution of 1787 in the Virginia ratifying convention but ended his life as an avowed Federalist. Allied with Henry on the delegation was Richard Henry Lee, "a tall, spare Man" and "frequent, correct and

69. Silas Deane to Elizabeth Deane, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 181.

70. Silas Deane to Elizabeth Deane, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 181.

71. Silas Deane to Elizabeth Deane, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 181.

72. Thomas Jefferson, "Autobiography," Andrew A. Lipscomb and Albert E. Bergh, eds., *The Writings of Thomas Jefferson,* 20 vols. (Washington, 1903), I, 11-12.

73. Silas Deane to Elizabeth Deane, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 181.

74. Jefferson, "Autobiography," Lipscomb and Bergh, eds., *Writings of Jefferson,* I, 12; Silas Deane to Elizabeth Deane, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 181.

pleasing speaker," related to the Ludwells through his mother, opponent of the House's establishment in the 1760's, proponent of the committee of correspondence system in 1773, the Continental Congress in 1774, and the motion for independence in 1776; in 1787, he declined to attend the Constitutional Convention, wrote the *Letters from a Federal Farmer* attacking the new frame of government, and served in the United States Senate as an Anti-Federalist.[75] Politically between these two radical and four conservative Whigs stood the Burgess for Fairfax, George Washington, a man of "hard . . . countenance; yet with a very young look, and an easy soldierlike air and gesture," who "speaks very modestly and in cool but determined style and accent."[76] He had connections with the Fairfax family through his half-brother Lawrence, married the Dandridge widow of a Custis, and served as Colonel and Commander-in-Chief of the Virginia militia during the last French war. Symbolizing his middle position and the essential Whig harmony, Washington invited Pendleton, Henry and Lee to journey with him to Philadelphia from Mount Vernon.[77]

Representative of the whole Whig spectrum and drawn from the most prominent families in the dominion, this well balanced delegation received instructions which covered virtually every contingency.[78] The Convention informed its deputies "of our Sentiments touching the Conduct we wish them to observe on this important Occasion. . . ." This included an expression of "our Faith and true Allegiance" to the King and approval "of a constitutional Connexion with Great Britain. . . ." Virginia, like the other colonies, claimed equality with the mother country and denied "the Power assumed by the British Parliament to bind America by their Statutes, in all Cases whatsoever. . . ." The Trade and Navigation Acts the Convention "acquiesced in" as "ample Recompense" for protection by the United Kingdom, but they could not be "injurious to us." The instructions also contained a very thinly veiled criticism of George III by listing as a grievance "hasty Dissolutions" of the assemblies which had "the sole Right of directing their internal Polity." The meeting sought redress,

75. Butterfield, ed., *Adams Diary,* II, 120; Corner, ed., *Rush Autobiography,* p. 151.

76. Silas Deane to Elizabeth Deane, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 181.

77. George Washington to Richard Henry Lee, Williamsburg, 7 August 1774, John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799,* 39 vols. (Washington, 1931-1944), III, 236; John C. Fitzpatrick, ed., *The Diaries of George Washington, 1748-1799,* 4 vols. (Boston, 1925), II, 162.

78. Balance is reflected even in the Convention's polling: Randolph received 104 votes, his counterpart Lee 100, the moderate Washington 98, Henry 89, Bland 79, Harrison 66 and Pendleton 62.

"without which the People of America can neither be safe, free, nor happy," through nonimportation beginning 1 November 1774 and nonexportation commencing 10 August 1775; they provided for this delay in nonexportation to enable people to market their present crops and pay their debts. Although urging this program, the Convention left its delegates free to "co-operate with our Sister Colonies in General Congress in such other just and proper Methods as they, or the Majority, shall deem necessary. . . ." Finally, they very pointedly condemned a proclamation of Massachusetts's Governor Gage which ordered the arrest for treason of all persons involved in protest gatherings and associations. The execution of this proclamation "will justify Resistance and Reprisal"; Virginia was apparently thinking the unthinkable – war.[79] The spokesmen for the Old Dominion could leave for Philadelphia at the end of the month with very full authority to commit their province to united action.

Taking umbrage over an internal tax resolution, North Carolina's Governor Josiah Martin dissolved the House on 28 March 1774. He directed the issuance of writs for a new Assembly to convene on 26 May, "but unless some unforseen public exigency shall make it expedient I do not propose another meeting of the Legislature untill the fall," and in fact he called none until April 1775.[80] Speaker John Harvey learned of Martin's decision almost at once, and, "in a very violent mood," began to sound out others about "assembling a convention independent of the Governor" to fill the vacuum.[81] As in the other plantations, men gathered in most of the counties and towns, adopted resolutions, and selected deputies to attend a provincial meeting at Newbern on 25 August. To be sure, not all of the piedmont jurisdictions chose to send representatives to Newbern, perhaps because of the intense bitterness stemming from the Regulator Movement and its brutal suppression in 1771. Given this sectionalism, which Governor Martin later played on very successfully to keep many former Regulators and Scots Highlanders loyal to Britain, the participation of most of the western counties in the Convention was no small political feat.

Despite the antipathy of much of the west to the patriot leadership of the tidewater and a gubernatorial proclamation enjoining "proceedings so illegal and

79. Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950-), I, 141-143.

80. Josiah Martin to the Earl of Dartmouth, Newbern, 2 April 1774, William L. Saunders, ed., *The Colonial Records of North Carolina,* 10 vols. (Raleigh, 1886-1890), IX, 959.

81. Samuel Johnston to William Hooper, 5 April 1774, Saunders, ed., *Colonial Records of North Carolina,* IX, 968.

unwarrantable in their nature," the Convention, as Martin had expected, met in Newbern on 25 August.[82] The deputies passed resolutions very similar to Virginia's, promising their "Fidelity" to the King, reiterating the American view of the power of Parliament, and challenging the legality and propriety of a number of specific statutes. Like Virginia, North Carolina also entered into a scheduled nonimportation and nonexportation association and threatened to sever all economic relations with any colony, county or town which did not enforce a general plan, "as shall be agreed upon in the Continental Congress."[83] By late August, these positions, adopted by many gatherings in the provinces, had become commonplace.

In view of the east-west hostility, the appointment of delegates to the congress presented the Convention with both its touchiest problem and an opportunity to make at least a gesture toward unity and reconciliation. Instead, the tidewater controlled meeting followed the old pattern of ignoring the piedmont and elected Richard Caswell, William Hooper and Joseph Hewes. Caswell, an immigrant from Maryland, spoke for Chatham County and, according to Deane, was "of sedate and settled" character and "well affected to the general Cause"; however, Martin more skeptically observed that he "disapproves these measures in his heart and undertakes this office purely for the sake of maintaining his popularity, on which he depends for his continuance in the Treasuryship. . . ."[84] In 1771 he had commanded the right wing of former Governor William Tryon's militia force which broke the Regulators; he could hardly expect to inspire trust in westerners. Hooper, a native of Boston and a "sensible, sprightly young lawyer," represented New Hanover at the Convention.[85] As deputy attorney general, he too had opposed the Regulators and had served actively in their suppression. New Jersey born Hewes, a "plain, worthy merchant, and well acquainted

82. Saunders, ed., *Colonial Records of North Carolina,* IX, 1029. In informing Dartmouth of his proclamation, Martin wrote, "I issued with their [the Council's] advice a Proclamation the next day [13 August], apprehending however that under the total inability of Government to enforce even what common decorum required, The proposed meeting of Deputies at New Bern the Seat of Government was ultimately agreed to be the place of rendezvous would be accordingly held. . . ." (Newbern, 1 September 1774, Saunders, ed., *Colonial Records of North Carolina,* IX, 1055).

83. Saunders, ed., *Colonial Records of North Carolina,* IX, 1041-1046.

84. Silas Deane to Elizabeth Deane, 23 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 185; Josiah Martin to the Earl of Dartmouth, Newbern, 1 September 1774, Saunders, ed., *Colonial Records of North Carolina,* IX, 1061.

85. Corner, ed., *Rush Autobiography,* p. 153.

with business" and assemblyman for Edenton, was untainted by the troubles of the late 1760's and early 1770's.[86] Both he and Hooper were " professed champions of all popular measures" and signed the Declaration of Independence.[87] Not until September 1775 did North Carolina name a westerner to the Congress; John Penn then replaced Caswell.

The instructions given to this not very distinguished delegation repeated much of the Convention's general resolutions, albeit in slightly different words. In addition, like the Virginians, the North Carolinians directed their representatives to qualify the colony's allegiance to George III by warning that "we cannot depart from a steady adherence to the first law of Nature, a firm and resolute defence of our persons and properties against all unconstitutional encroachments whatever."[88] They did not, however, impose any restrictions such as their southern neighbor had, and Caswell, Hooper and Hewes left for Philadelphia with a free hand.

Eleven provinces chose delegates by one or both of the frequently recommended and commonly accepted constitutional means: five by order of the lower house, six by resolution of a convention composed of all or many members of the legislature.[89] Neither method was practical in New York. Controlled by the conservative De Lancey faction since the last election in 1769, the Assembly would not condone anything as illegal and disrespectful as an intercolonial congress, and the radicals naturally opposed the selection of deputies by such a House. The strength of the conservative and moderate elements in the Whig organization, particularly in New York City, made them unwilling to risk their influence and power in a provincial convention.

86. Corner, ed., *Rush Autobiography,* p. 153.

87. Josiah Martin to the Earl of Dartmouth, Newbern, 1 September 1774, Saunders, ed., *Colonial Records of North Carolina,* IX, 1061.

88. Saunders, ed., *Colonial Records of North Carolina,* IX, 1048-1049.

89. By Assembly: Massachusetts and Rhode Island.
By Assembly and Convention: South Carolina.
By Assembly prodded by Convention: Pennsylvania.
By Committee of Correspondence with the authorization of the Assembly: Connecticut.
By Convention coterminous with the Assembly: Delaware and Virginia.
By Convention composed of many assemblymen and others: New Hampshire, New Jersey, Maryland and North Carolina.

Furthermore, about half the colony's population supported the mother country.[90] With delegate selection out of the question by legislature or convention, New York appointed its representatives to the congress locally by a combination of meetings, popular polls, caucuses and, to the historian, chaos.

Upon the arrival of the Boston Port Bill in New York City, a group of merchants and others met on 16 May and, rejecting the nonimportation agreement proposed by the radical Alexander McDougall and Isaac Sears, nominated a corresponding committee of fifty for public approbation on 19 May. Disturbed by the conservative complexion of the fifty, McDougall and others joined with the city's mechanics on 18 May to offer a slate of twenty-five drawn almost completely from the fifty. On the nineteenth, the merchant group carried the day with a plea "to banish from our hearts all little party distinctions, feuds and animosities," and with the addition of Francis Lewis to the committee to satisfy the artisans. The resultant committee of fifty-one contained twenty-seven from the merchant ticket, twenty-three from both the merchant and mechanic slates and one from the mechanic list alone; however, owing to the artisans's effort to balance their ticket, the fifty-one was overwhelmingly in the hands of "the cool prudent Men [who] will endeavour to keep Measures in suspense. . . ." McDougall abandoned his plans to continue his opposition when the mechanics voted the next day to "try the committee of 51 and if they misbehaved they would be removed."[91]

On 23 May, the committee of fifty-one responded to Boston's appeal for an immediate boycott by urging that an intercolonial congress be called. Having acted "with a Resolution to prevent any violent or rash measures," the committee also delayed the selection of a deputation to the congress.[92] At last on 29 June, McDougall moved that the committee pick five men to represent the city and county of New York in a provincial convention or a general congress, that the five names be submitted to

90. Nelson, *American Tory,* p. 92.

91. Force, ed., *American Archives,* 4th series, I, 293-295; Roger Champagne, "New York and the Intolerable Acts, 1774," New-York Historical Society *Quarterly,* XLV (1961), 197-206; Cadwallader Colden to the Earl of Dartmouth, New York, 1 June 1774, *The Colden Letter Books,* II: *1765-1775, Collections* of the New-York Historical Society, X (1877), 340; Alexander McDougall, Political memorandums, 20 May 1774, quoted in Champagne, "New York and the Intolerable Acts," 206. The sequence of nominations here follows Champagne, not Becker; the former found material unknown to the latter.

92. Cadwallader Colden to William Tryon, Spring Hill, 31 May 1774, *Colden Letter Books, Collections* of the New-York Historical Society, X, 342; Force, ed., *American Archives,* 4th series, I, 296-298.

the committee of mechanics for concurrence, and that they then be placed before the freeholders and freemen for approval. Realizing that this would give the more progressive artisans a negative voice in the decisions of the fifty-one, the committee rejected the McDougall proposal and determined to put its own slate before the electorate. The procedural round lost, Isaac Sears, seconded by Peter V. B. Livingston, nominated the future Tory, Isaac Low, two conservative Whigs, Philip Livingston and James Duane, and two radicals, McDougall and John Morin Scott. The conservative majority countered with a motion by John De Lancey to substitute John Alsop and John Jay, men of Philip Livingston's stamp, for McDougall and Scott. De Lancey won this part of the "continual struggle to keep down the extravagant Measures of the more violent Opposers of Government."[93]

With an election of confirmation or rejection scheduled for 7 July, the mechanics and McDougall had little time to spare. On 5 July the committee of mechanics convened at Edward Bardin's tavern and endorsed a ticket of five, retaining the fifty-one's Jay, Low and Livingston but replacing Duane and Alsop with McDougall and Leonard Lispenard. The next day McDougall chaired a mass meeting "in the Fields"; it passed resolutions in favor of those actions which the fifty-one had avoided – a provincial convention and a congressionally sanctioned nonintercourse agreement. The committee of fifty-one assembled on 7 July and condemned such proceedings as "evidently calculated to throw an odium upon this Committee, and to cause groundless jealousies and suspicions of their conduct, as well as divisions among our fellow-citizens." Offended by this censure, eleven members, including Sears and McDougall, resigned from the fifty-one. In this atmosphere of confusion and recrimination, no election could occur on the seventh.[94]

At the factious meeting of 7 July, the fifty-one attempted to salvage its control by establishing a subcommittee to bring in a set of resolutions to lay before the city. The subcommittee reported on 13 July, and the now reduced fifty-one appointed the nineteenth for a popular decision on its candidates and resolutions. These resolutions repeated the standard statements of loyalty to the King and of American constitutionalism. They also approved the holding of a congress as "the most prudent measure that could have been devised at this alarming crisis," but rather equivocally

93. Force, ed., *American Archives,* 4th series, I, 307-308; Cadwallader Colden to William Tryon, Spring Hill, 6 July 1774, *Colden Letter Books, Collections* of the New-York Historical Society, X, 348. According to Colden, the committee's majority was "forced last Monday [4 July] to the nomination of five Persons to attend the proposed Congress."

94. Carl Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison, 1909), pp. 123-124; Force, ed., *American Archives,* 4th series, I, 310-314.

shunned the issuance of "premature" instructions or more detailed resolutions. Finally, in an odd twist on "our suffering brethren of Boston," they cautioned against anything that "might materially injure our brethren, the manufacturers, traders, and merchants in Great Britain. . . ."[95]

The events of the nineteenth are far from clear. Apparently, the mass meeting of that day considered only the fifty-one's proposals. The McDougall-Sears faction gained enough control of the gathering to secure the repudiation of the committee's resolutions, but not enough to defeat their nominees. It also appears that no one regarded these results as conclusive, for Alsop, Jay and Low declined "so uncertain" an election and the fifty-one amended its resolutions. The day's confusion, however, did force the fifty-one to compromise with the mechanics. The two groups decided to have an election on 28 July by wards under the supervision of the aldermen, common council, vestries, committee of fifty-one and mechanics. In addition, an opinion was solicited from Philip Livingston, Low, Alsop and Jay, as candidates, that "at present . . . a general non-importation agreement, faithfully observed, would prove the most efficacious means to procure a redress of our grievances." On 28 July, "After various contests and other intervening circumstances to prevent our endeavours for terminating the appointment of our Delegates," the city and county of New York elected Philip Livingston, "a great, rough, rappid Mortal," who "Seems to dread N. England – the Levelling Spirit &c.," Isaac Low, who "they say will profess Attachment to the Cause of Liberty but his Sincerity is doubted"; John Alsop, thought in New York to be "of a good Heart, but unequal to the Trust in Point of Abilities"; John Jay, "an hard Student and a good Speaker" of whom Patrick Henry "has a horrid Opinion," and James Duane, who "has a sly, surveying Eye, a little squint Eyed – . . . very sensible . . . and very artfull."[96] Reflecting the temper of New York, this uninstructed deputation was probably the most conservative one to go to Philadelphia.

The fifty-one suggested to New York's other counties on 29 July that they either second the city's delegates or appoint their own representatives. In anticipation of a decision not made until 6 September, they said that the number "is immaterial, since those of each Province, whether more or less, will conjointly have only one vote at the Congress."[97] Throughout August various New York jurisdictions addressed themselves to this proposal. Early in the month Suffolk County selected a local militia colonel, William Floyd, to be its congressional delegate. On 16 August, twenty men gathered at

95. Force, ed., *American Archives,* 4th series, I, 312, 315-317.

96. Force, ed., *American Archives,* 4th series, I, 315-321; Butterfield, ed., *Adams Diary,* II, 103, 106-107, 151.

97. Force, ed., *American Archives,* 4th series, I, 322.

what may have been a county convention for Orange and named Henry Wisner, a former assemblyman, and John Haring, a county judge, to attend the congress.[98] The people of Kings County ignored an election notice, whereupon Simon Boerum, a member of the House and of its committee of correspondence, and another man met and unanimously chose Boerum to be Kings' deputy to the congress.[99] Albany too determined upon its own delegation, then reversed itself and confirmed New York's.[100] Westchester, Dutchess and Ulster counties authorized the city's representatives to speak for them, and the remaining six counties disregarded the fifty-one's recommendation entirely.[101]

The designation of the nine-man New York deputation completed the process of selecting delegates to the First Continental Congress. By trickery here, pressure there, coolness elsewhere and determination everywhere, provincials of many views overcame official and unofficial opposition, intercolonial jealousies and internal factionalism in twelve of the thirteen plantations which later became the United States, to put together committees to consult and advise one another on the crisis. Only in Georgia did the Whigs fail in 1774 to surmount or circumvent the obstacles thrown up by the governor and apathy. The fifty-six men who at one time or another sat in the congress received from their respective colonies instructions which bestowed upon them much latitude in their deliberations. To be sure, Pennsylvania insisted on decency, Delaware urged lawfulness and South Carolina reserved a veto to itself; nevertheless, the deputies set off for Philadelphia with unprecedented and extraordinary powers to commit the twelve dominions to a unified program of action against the British Parliament's threat to the constitution as Americans understood it.

Just as the provinces sought to comply with constitutional standards in the creation of the congress, they also, less consciously and more successfully, endeavored to satisfy contemporary socio-economic criteria of political leadership in the choice of

98. Force, ed., *American Archives,* 4th series, I, 322 n., 324; Cadwallader Colden to the Earl of Dartmouth, New York, 5 October 1774, *Colden Letter Books, Collections* of the New-York Historical Society, X, 367.

99. [Joseph Galloway], *The Examination of Joseph Galloway, Esq; Late Speaker of the House of Assembly of Pennsylvania. Before the House of Commons, in a Committee on the American Papers. With Explanatory Notes* (London, 1779), p. 11.

100. Force, ed., *American Archives,* 4th series, I, 322 n., 326.

101. Becker, *Political Parties in New York,* pp. 140-141.

trustees for this unusual authority and occasion.[102] Certainly the Earl of Chatham exaggerated in judging "it the most honourable Assembly of men, that had ever been known; that the Histories of Greece and Rome gave us nothing equal to it."[103] On the other hand, the composition of the congress hardly justified the later sneer about the contempt aroused "When a man, who is only fit 'to patch a shoe,' attempts 'to patch the State'. . . ."[104] Rather more accurately, Deputy Governor John Penn saw the delegates as "the ablest & wealthiest men in America" who met to articulate "not the opposition of a Mob but of the first & best people in all the Colonies. . . ."[105] Similarly, in the heady first days of the congress, John Adams thought it "a Collection of the greatest Men upon this Continent, in Point of Abilities, Virtues and Fortunes."[106]

A profile "of the first & best people in all the Colonies" describes more than an elite group of fifty-six men; it also reveals with varying degrees of clarity the social maturity, political processes and economy of the dominions as a whole, and of each section and province. Every one of the delegates was American born, and forty-four represented their native colonies. Only one, Roger Sherman, of New England's eleven deputies did not live in the province of his birth; Sherman had crossed the line from Massachusetts to Connecticut as a young man. The twenty-five delegates from the more fluid middle colonies, however, included eight men who had left their places of origin; five of them had moved within the region and three had come up from the South. While all of the Marylanders, Virginians and South Carolinians went to Philadelphia for the provinces where they had been born, North Carolina, still

102. See above, ch. 1, p. 11.

103. Benjamin Franklin to Charles Thomson, London, 5 February 1775, Albert Henry Smyth, ed., *The Writings of Benjamin Franklin,* 10 vols. (New York, 1905-1907), VI, 305. The *Providence Gazette* (18 March 1775) reported that Chatham "does not think there are 52 men besides in the universe that could have done what those gentlemen did, – and that they must have been divinely inspired in their glorious work."

104. William Goddard, *The Prowess of the Whig Club . . .* (Baltimore, 1777), p. 12, quoted in Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill, N.C., 1969), p. 477.

105. To Lady Juliana Penn, Philadelphia, 6 September 1774, Penn MSS., Official Correspondence, XI: 1772-1775, p. 173, Historical Society of Pennsylvania.

106. To Abigail Adams, Philadelphia, 8 September 1774, Butterfield, ed., *Adams Correspondence,* I, 150.

somewhat raw in 1774, sent three immigrants, one each from New England, the mid-Atlantic plantations and the South.[107]

In 1774, people of English and Welsh extraction accounted for slightly less than half (48 percent) of the population of these twelve English provinces in North America.[108] Another 13.9 percent had come, early or late, from other parts of the British Isles. People from northwestern continental European countries made up 11.7 percent of the populace, and 5.7 percent were white of unknown national origin. Negroes constituted the remaining 20.8 percent.[109] The backgrounds of the members of the First Continental Congress reflect both the domination of provincial society and politics by men of English and Welsh stock and, to a lesser extent, the heterogeneity of America, particularly of the middle colonies. The ancestors of thirty-eight (67.9

107.

Delegate	Colony Represented	Colony of Birth
Sherman, Roger	Connecticut	Massachusetts
Low, Isaac	New York	New Jersey
Kinsey, James	New Jersey	Pennsylvania
Livingston, William	New Jersey	New York
Dickinson, John	Pennsylvania	Maryland
Galloway, Joseph	Pennsylvania	Maryland
Ross, George	Pennsylvania	Delaware
McKean, Thomas	Delaware	Pennsylvania
Read, George	Delaware	Maryland
Caswell, Richard	North Carolina	Maryland
Hewes, Joseph	North Carolina	New Jersey
Hooper, William	North Carolina	Massachusetts

108. The calculations on the population at large are based on the tables in *The Statistical History of the United States from the Colonial Times to the Present* (Stamford, Conn., n.d.), p. 756. The assumptions brought to these tables are those of Evarts B. Greene, *The Revolutionary Generation, 1763-1790* (New York, 1956), pp. 70-71. Unlike Greene, I have included people of African descent. Inasmuch as Negroes made up 20.8 percent of the population, their inclusion works a substantial alteration in the figures for the national origins of Americans in the second half of the eighteenth century. For example, Greene wrote that three-fifths of the people were of English stock (p. 70), and Table Z-20 of *The Statistical History* (p. 756) gives 60.9 as the percentage for Englishmen; the incorporation of black Americans into the computation reduces this to 48.0.

Despite the apparent precision of these percentages, it should be borne in mind that the figures in *The Statistical History*, Greene and this study are only estimates.

109. For the distribution of the population by national origin, see chapter appendix, p. 107, Table A.

percent) of the fifty-six delegates had emigrated from England or Wales. This exceeds the proportion of Anglo-Americans in the twelve dominions by 19.9 percent; if blacks are excluded from the calculations, as they were from the body politic, the difference between the delegates and the population at large in this category falls to 7.3 percent.[110] The families of ten (17.9 percent) of the deputies came from Scotland, Ulster and Ireland. Eight (14.3 percent) were of continental European or Anglo-European stock, which corresponds closely with the relative weight of that group in the colonies. Thus, despite the English bulge, the ethnic composition of the congress and of white society were roughly approximate.[111]

Not surprisingly, the ethnic complexion of the deputations bore a relationship to the history of settlement and development in each section and province. All of the non-British delegates came from the middle colonies, where continental Europeans had been established since the early seventeenth century and where continuing immigration made them numerous and politically important in 1774. Five of the eight of non-British origin represented heterogeneous New York; two spoke for Pennsylvania and one for New Jersey. On the other hand, all but one of the men from New England, the most solidly English section, had English ancestors. The one exception, John Sullivan, the son of an Irish redemptioner, attended the congress for New Hampshire, the rawest and most mixed dominion in the northern cluster. The southerners, all but one of whom lived in the older, English dominated tidewater, were without exception of British, mostly English extraction. The five Marylanders descended from Englishmen, as did six of the seven Virginians. North Carolina, the least mature southern plantation, sent one Englishman and two Scots. Three of the five South Carolinians traced their lineage to Ireland, but they did not symbolize any kind of break with the gentry's English traditions: the family of one, Thomas Lynch, had immigrated to South Carolina soon after the founding of the colony, and the more recently arrived Rutledges had married into the local aristocracy.[112]

Other characteristics of the delegates demonstrate the same kind of social responsibility derived from certainty of place in and identification with their communities. Only ten of the fifty-six men belonged to the first generation of their

110. For the distribution of the white population by national origin, see chapter appendix, p. 108, Table B.

111. For a comparison of the distribution of the members of the congress and the white population at large by national origin, see chapter appendix, p. 109, Table C.

112. For the provincial and regional distribution of the members of the congress by national origin, see chapter appendix, p. 110, Table D.

families to be born in America.[113] At least twenty-two stemmed from families which had immigrated within a decade of their respective colony's foundation, and twelve of more recent origin married into entrenched provincial clans. No significant sectional patterns or differences emerge. For the most part, the New Englanders descended from the oldest families, but New England had been established more than a generation before the English settlements in the Carolinas and the middle colonies. The tribal vicissitudes of the seventeenth century in Maryland and Virginia make them exceptional; however, eight of the twelve representatives from the Chesapeake plantations were the heirs of the refounding fathers of the 1660's and 1670's and may without too much abuse to the analysis be lumped with the two Yankees whose ancestors had arrived on the *Mayflower*.[114] In 1771 former Governor William Shirley may have gibed at the pedigree of "so obscure a Breed" as the Adamses, but they, along with thirty-nine other members of the First Continental Congress, were anything but new people; they had a sense of America which flowed from family involvement with the provinces since the beginnings of English colonization.[115]

Two other measures, religious affiliation and educational attainment, also point in the direction of Penn's and Adams's description of the congress. In a country with few Roman Catholics and a miniscule non-Christian minority, the delegates, of course, all belonged to a Protestant denomination.[116] With one exception, every southern deputy attended the Church of England, established by law in Maryland, Virginia and the Carolinas.[117] Similarly, Congregationalists accounted for eight of the nine men from

113. John Sullivan (N.H.), John Jay (N.Y.), Henry Wisner (N.Y.), George Ross (Pa.), Thomas McKean (Del.), George Read (Del.), Samuel Chase (Md.), Patrick Henry (Va.), Edward Rutledge (S.C.) and John Rutledge (S.C.).

114. Bernard Bailyn, "Politics and Social Structure in Virginia," James Morton Smith, ed., *Seventeenth-Century America: Essays in Colonial History* (Chapel Hill, N.C., 1959), pp. 98-102.

115. Butterfield, ed., *Adams Diary*, II, 55.

116. For the distribution of religious affiliation of the members of the congress, see chapter appendix, p. 111, Table E.

In every colony attachment to Roman Catholicism brought with it legal disabilities. As late as 1776, Catholic priests were subject to life imprisonment in Massachusetts.

117. I do not know the church affiliation of the one exception, Richard Caswell of North Carolina. He was probably either an Anglican or a Presbyterian.

New Hampshire, Massachusetts and Connecticut, where that sect enjoyed legal favor.[118] Always dissenting Rhode Island sent two men of the oldest religious groups in the colony, a Baptist and a Friend. Again, diversity marks the middle colonies. Twelve of their representatives subscribed to the tenets of the fashionable Anglican Church, five were Presbyterians, one New Yorker was Dutch Reformed, four Pennsylvanians were naturally enough Quakers, and three were of unidentifiable belief. To a man, those delegates whose religious persuasion is known, were members of the locally established, largest and most respectable churches.

Education as much as any other social attribute set the fifty-six delegates apart from their countrymen.[119] While, like most eighteenth century Americans, ten had received little formal training, fifteen had attended college and six had learned some law at the Inns of Court. A mere four had gone only to common school. Six had picked up a smattering of Latin at grammar school, two in England. Private tutors had completed the preparation of two, and five more had had the good fortune to be the sons of schoolmasters, clerics or classically lettered gentlemen. Evidence for the education of ten remains too vague for classification. The accident of place of birth gave the New Englanders an educational advantage in that the value attached to learning by the founding Puritans made more institutions available to the people of Massachusetts and Connecticut – all but one of the deputies from these two provinces held baccalaureates – than to the other colonists. In the South, as indicated by the private tutors and the Inns of Court, education was the prerogative of the wealthier classes. Like everything else, schooling in the middle colonies was very mixed. No matter what region or dominion they represented, however, the men sent to Philadelphia in 1774 were extraordinarily well educated in comparison with their compatriots and perhaps even with their counterparts in the House of Commons.

In the absence of any reasonably comprehensive data on individual wealth, little of a concrete statistical nature can be said about the economic status of the

118. The ninth, Nathaniel Folsom of New Hampshire, is unknown. He was probably a Congregationalist.

119. For the distribution of the educational attainments of the members of the congress, see chapter appendix, pp. 112-113, Table F.

The figures given in this paragraph are for the highest educational level reached; thus more than two men had had tutors, but they went on to grammar school or college and are listed accordingly. Those who attended both a school or a college and an Inn, however, are counted twice.

delegates.[120] Chance reports and non-monetary indices, however, show quite clearly that they were for the most part well-to-do. John Adams wrote rather enviously of John Sullivan, the son of a poor Irish immigrant, that he "is now said to be worth Ten thousand Pounds Lawfull Money, his Brother James allows five or six or perhaps seven thousand Pounds, consisting in Houses and Land, Notes, Bonds and Mortgages."[121] Adams himself, while not wealthy, did not face poverty either. Having dissipated his inheritance and failed in several enterprises, Samuel Adams seemed almost to revel in penury; he appeared in the congress well attired by virtue of a gift of a new suit from his Boston friends. The law, commerce and fortunate marriages made Connecticut's Silas Deane a prosperous man, as did land and trade Roger Sherman. With the exception of the older Adams, the financial condition of the New Englanders seems to have ranged from security to modest wealth, stopping short, however, of impressive riches.

West of the Connecticut line, different political processes and a less stingy land produced delegates of greater affluence. Several of the New Yorkers had no fiscal problems: William Floyd came from a wealthy landed family; John Alsop had done very well in commerce; James Duane's parents enjoyed the income of flourishing mercantile ventures on both sides of the family; Isaac Low gained considerable comfort from trade and manufacturing; John Jay, the son of a prosperous merchant, increased his worth through the law and marriage to a Livingston, and Philip Livingston was a Livingston. Little is known about the men from New Jersey save one; William Livingston, Jay's father-in-law and Philip's brother, belonged to the fantastically rich New York Livingston clan. Pennsylvania's Thomas Mifflin followed in the footsteps of his father, a wealthy merchant, in partnership with his brother. Carpentry, building and land speculation brought respectable middle-class affluence to Samuel Rhoads, and Joseph Galloway both married money and earned more from the bar, the counting house and western land promotion. His antagonist of many years, John Dickinson, one of the wealthiest men in the province, had the wherewithal to keep "a fine Seat, beautyfull Prospect, of the City, the River and the Country — fine Gardens, and a very grand Library. The most of his Books, were collected by Mr. [Isaac] Norris, once Speaker of the House here, father of Mrs. Dickinson," and holder of large tracts in the Philadelphia area.[122]

120. Unless otherwise cited, the rather impressionistic data on economic status comes from the *Dictionary of American Biography* or the *Biographical Directory of the American Congress, 1774-1961.*

121. To Abigail Adams, York, 29 June 1774, Butterfield, ed., *Adams Correspondence,* I, 113.

122. Butterfield, ed., *Adams Diary,* II, 133.

Despite debt problems, the law and the land, tilled and speculated, yielded abundance to some of the southern delegates. Matthew Tilghman of Maryland inherited sizeable estates from his parents and his cousin. Marriage, the law and family properties assured the independence of William Paca. By 1767 Robert Goldsborough was at the top of the legal profession in the colony and occupied a socio-economic position which justified the offer of a place on the governor's council which he declined. Harrison, Randolph, Bland and Lee were Virginia planters of considerable worth. After several commercial failures, Henry turned to a very successful legal career. Another Virginian, Washington, owned one of the greatest fortunes in America, a fortune which enabled him to make a reported offer to "raise 1000 Men, subsist them at my own Expence, and march my self at the Head for the relief of Boston."[123] North Carolina's Joseph Hewes supported himself comfortably from mercantile and shipping interests. Ships also made Christopher Gadsden of Charleston a very wealthy man, and huge tracts of rice producing land formed the base for the fortune of Thomas Lynch. Finally, Henry Middleton possessed twenty plantations embracing about 50,000 acres and some 800 slaves. Although all this relies on anecdote and passing impression, Governor Penn was not too far off the mark when he called the members of the congress the "wealthiest men in America."

As this incomplete survey suggests, the fifty-six delegates acquired or maintained their economic positions by a variety of endeavors.[124] Given the nature of the controversy which brought them together, it is appropriate that thirty-two of them either practiced law or sat on the bench. Similarly, the crisis, the much proposed boycott and place in society lends reasonableness to the appointment of nine merchants to the congress. Twelve men followed the pursuit of most Americans, agriculture, albeit on a much larger scale than the yeoman farmer. One Pennsylvanian was a miller, another a builder. The one remaining representative, Samuel Adams, can only be described as a professional politician. These seemingly neat categories signify only the primary interests of the delegates, for, like other ambitious men of the period, they did not take a narrow view of enterprise. For example, Samuel Rhoads, the builder, also engaged in mercantile ventures and land speculation. The economic potential of land in a growing country attracted others, including Sherman, Dyer, Deane, Duane, the Livingstons, Galloway and Washington. And manufacturing provided a secondary outlet for the business skills of three men, Boerum, Low and Wisner. The variety and multiplicity of economic activities notwithstanding, clearly the law constituted the route to political preferment, influence and trust from New Hampshire to South Carolina.

123. Butterfield, ed., *Adams Diary,* II, 117. According to Douglas Southall Freeman, this story is "unfounded" *(George Washington: A Biography,* 7 vols. [New York, 1949-1957], III, 377 and n.).

124. For the distribution of the occupations of the members of the congress, see chapter appendix, p. 114, Table G.

Even age reveals something of the place of the deputies in their societies and of the politics of the colonies. The average age of the delegates in September 1774 was 45.6 years, in a range extending from 24.8 to 67.5. They were, then, men whose age would suggest experience, position, moderation and maturity without hoariness. The New Englanders, at 47.9, were slightly older than the representatives from the middle colonies, 45.6, and the southerners, 44.3. In addition, the northerners spanned fewer decades: the range among the New Englanders was from 34.6 to 67.5, among the middle colonists 28.8 to 65.2, and among the southerners 24.8 to 64.0. This may reflect some sectional differences in political processes and the peculiarities of individual provinces. The basic governmental unit of New England, the town, was smaller and comparatively more democratic than the county of the mid-Atlantic colonies and the South, and the Yankees generally filled more offices by election than did the people west of the Hudson. Perhaps this produced a system in which a man had to work his way up the ranks more slowly and which consequently prevented the very young from reaching early prominence. Furthermore, although scarcely unimportant, family connections probably counted for less in Massachusetts, Connecticut or Rhode Island than in New York, Virginia or South Carolina; this too would reduce the political opportunities of the younger man. Conversely, where powerful tribal oligarchies dominated the counties and provinces – and at some times in some places passed offices down from generation to generation – juniors could more easily obtain recognition and place. Thus at 24 Edward Rutledge, brother of John Rutledge and son-in-law of Henry Middleton, went to Philadelphia for South Carolina, and at 28 John Jay, son-in-law of William Livingston and son of a Van Cortlandt, a manorial clan with ties to the Schuylers, Van Rensselaers, Philipses, De Peysters, Van Schaacks, Bayards, De Lanceys and Beekmans, spoke for New York.

Within the general, somewhat conjectural framework, however, individual anomalies appear. For example, only two in number, the delegates from New Hampshire were among the very youngest, averaging 41.3 in a range of 34.6 to 48.0. Folsom and Sullivan were also among the least experienced and most obscure men at the congress. Atypical for New England, their selection probably manifests the very strong hold of Governor John Wentworth on the province's economy, politics and patronage, a hold which kept the more established men away from anything as offensive as the congress. The equal youthfulness, 41.3, of the North Carolinians did not result from an intricately woven landed aristocracy; rather it was the product of the raw and undeveloped character of the colony to which large numbers of migrants had been swarming from other plantations. The Old Dominion also violated its regional pattern. At 48.8, the Virginians were substantially older than the other southerners and most of the other deputies from the middle colonies and New England; however, they represented one of the maturest and stablest societies in British North America. These and other exceptions become less glaring when the statistics are expressed as ranges instead of averages. The four New England colonies fall into the group with the narrowest range, 34.6 to 67.5, and three of the southern plantations into that with the

widest, 24.8 to 64.0. The four mid-Atlantic provinces again present a mix which defies further generalization. This seems to offer corroboration to the suggestion that varying institutions made different kinds of opportunity available to politically ambitious or active men in the twelve dominions.

Although a factor of class, education, age and residence, the political and governmental experience of the fifty-six men assumes overriding importance in any consideration of the qualifications brought to the First Continental Congress.[125] Drawn mostly from the *Dictionary of American Biography* and the *Biographical Directory of the American Congress, 1774-1961,* the data presented are minimal and doubtless exclude many local offices such as justice of the peace or town meeting moderator. Nevertheless, even an incomplete compilation more than warrants Penn's use of the word "ablest." Before the gathering of the congress, forty-nine of the delegates had sat in the lower house of a provincial assembly, and thirteen had risen to become Speaker of the House. This alone, despite the mediocre quality and weakness of some legislatures, affords a measure of the role of the assemblies in the protest which ended in revolution, of the practical knowledge of law, principle, compromise and deliberation which the deputies had, and of the colonial effort to give to the congress the greatest possible semblance of constitutionality. This same concern for constitutionality and the importance of the assembly appointed committees of correspondence to the preliminaries of the congress are seen in the number of committeemen who traveled to Philadelphia: thirty representatives served on the provincial committees and another seven on the New York and Philadelphia city committees. Only three men had obtained places on a governor's council; two of these had done so in corporate Connecticut, and the third, Henry Middleton of South Carolina, "had Virtue enough to quit it," in 1770 "when he found he could be no longer of Service to his Country *there*" and joined the opposition.[126] Clearly the usually crown nominated councilors contributed little to the organization and articulation of discontent.

Demonstrated administrative and judicial ability appeared less commonly among the fifty-six delegates. Only twenty-six held or had held reasonably important non-legislative offices, and all but three of the twenty-six also sat in the lower house at one time or another. They included four sheriffs, one of whom later became attorney general, three other attorneys general, two deputy attorneys general, one county crown prosecutor, one collector of the port and two governors. The two governors, Ward and Hopkins, had been elected in corporate Rhode Island; eight of the other posts had been

125. For the distribution of offices held by the members of the congress before 5 September 1774, see chapter appendix, pp. 115-116, Table H.

126. *South-Carolina Gazette,* 15 July 1774.

in proprietary colonies, and a mere four in royal dominions. Moreover, by September 1774, not one of these men still acted in an executive capacity. Six delegates had reached the provincial bench, two as chief justice, all in corporate or proprietary plantations. Thirteen handed down justice locally: seven in royal colonies, six in the other two types. Save one, these judges were also legislators. In addition to these civil positions, at least ten representatives had seen active duty as militia officers, ranging from Edward Biddle, captain in the Pennsylvania forces, to George Washington, sometime colonel and commander-in-chief of the Virginia militia. Combined, the twenty-six men had performed forty-three different non-legislative functions in their respective provinces.

Extra-constitutional public service figured prominently in the credentials of the delegates as well. Thirty-four members had discussed the controversy with Britain and the proper mode of redress in the pre-congressional provincial conventions. With two exceptions, the deputies to these conventions had also sat in the assemblies. Memories of an earlier imperial crisis and intercolonial meeting were perhaps revived by the ten men who had attended the Stamp Act Congress in 1765. And Stephen Hopkins, the oldest delegate in 1774, had gone to the Albany Conference in 1754.

The great proportion of members of the assembly and the comparative paucity of appointed executive and judicial officers does not lend conviction to a facile interpretation of "outs" against "ins." In conjunction with the social and economic positions occupied by most of the deputies, however, it does contribute to a demonstration of the vitality of the ideal of coincident social, political and economic hierarchies in eighteenth century America.[127] Owing to the concentration of patronage in Whitehall and the consequent inability of most colonial governors to take cognizance of local status, the most prestigious political offices often eluded men of commensurate socio-economic rank. Such violations of the ideal had resulted in upheavals and rebellions in the past and added to the political tensions of the 1770's. Exclusion or, as in the case of Middleton, Randolph and Washington, resignation from important posts did not merely offend the slighted gentleman and his peers, it denied the integrity of the entire social order for all of its members. Home rule, secured through either a redefinition of the constitution or, as events proved necessary, war, could realize the ideal fully, so that "the ablest & wealthiest men" could also be the most powerful and influential.

The public service of the fifty-six men to the colonies and states, the United Colonies and the United States under the Articles of Confederation, while obviously no measure of their experience in 1774, provides an index of the talents drawn together in

127. See above, ch. 1, p. 11.

the First Continental Congress.[128] At the same time, their work in the congress may have given them the broader recognition and even training needed for them to assume the tasks of war, revolution and nation building; as John Adams wrote in 1774, "It is to be a school of political prophets, I suppose, a nursery of American Statesmen."[129] Between the adjournment of the congress on 26 October 1774 and the inauguration of George Washington as President on 30 April 1789, twenty-eight men served as members of the assemblies, eight as speaker, eleven sat on the councils, twelve became state senators and thirty deliberated in the conventions which filled the gap between the disintegration of British authority and the erection of new legitimate governments. In the executive branch of these new governments, fourteen of the delegates occupied the office of governor or president, three of lieutenant governor or vice president, and six held other major administrative offices. With the courts playing a decidedly secondary role in these years, it is not surprising that only eight men interpreted the law from the state bench and two from the local bench. In addition to the discharge of these regular governmental functions, eleven fought as militia officers, twenty-two met in state constitutional conventions and nineteen attended the state conventions called to ratify or reject the Constitution of 1787, five voting with the opposition.

During the month of May 1775, fifty-two members of the First Continental Congress returned to Philadelphia to take their places in the Second and to guide a people now at war. A decade later, the fifty-third, John Haring of New York, also came back.[130] During the summer and autumn of 1776, nineteen of them signed the Declaration of Independence, and six affixed their signatures to the Articles of Confederation. The country commanded the time of five delegates to the First Continental Congress as presidents of the Second, one as the head of an executive department, three as admiralty court judges and three others as diplomats. Four deputies later held commissions as generals in the Continental Army. Finally, seven helped lay the Continental Congress to rest by spending the summer of 1787 at the Constitutional Convention.[131]

128. For the distribution of offices held by members of the congress from October 1774 to April 1789, see chapter appendix, pp. 117-120, Tables I-1 and I-2.

129. To James Warren, Ipswich, 25 June 1774, Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author,* 10 vols. (Boston, 1850-1856), IX, 339.

130. Isaac Low (N.Y.), Joseph Galloway (Pa.) and Samuel Rhoads (Pa.) never sat in the Second Continental Congress.

131. Three others, Patrick Henry (Va.), Richard Henry Lee (Va.) and Richard Caswell (N.C.) declined election to the Constitutional Convention.

In the spring of 1789, two former delegates, Joseph Galloway and Isaac Low, lived as exiles in the United Kingdom.

After 1789, death, old age and a different vision of government considerably reduced the number of 1774 deputies still in public life.[132] Nevertheless, in the states, three sat in the houses of representatives and three in the senates. Six executed the law as governor, one as lieutenant governor, and eight laid it down from the state bench. Six men assisted in the formation of new state governments in constitutional conventions, John Adams as late as 1820. The radically revitalized and restructured United States enlisted from the membership of the First Continental Congress its first two presidents, its first vice president, two representatives, three senators, four district judges, two Supreme Court associate justices, two chief justices and one diplomat. No mean achievement for the men who attended Adams's "school of political prophets" and who in 1774 had had little experience outside provincial legislatures.

Out of the selection and instruction of the delegates emerged an extraordinary awareness and anticipation of the approaching congress. To one Virginian, "The Fate of America depends upon your Meeting & the Eyes of the European World hang upon you Waiting the Event."[133] A Rhode Islander also saw the congress in terms of destiny; calling it "the Grand Council of State," John Collins thought "the fate of milions unborn depend on your deliberations and determinations, all America are Waiting you meting with impatience, and make no doubt the greater Part of [E]urope will be listening to hear your Resolves."[134] The more learned could not resist comparisons with antiquity. Mercy Otis Warren wished "that the Enemies of America may thereafter forever tremble at the Wisdom the firmness the prudence & the justice of the Delegates Deputed from our Cities, as much as ever the phocians or any other

132. For the distribution of offices held by the members of the congress after April 1789, see chapter appendix, pp. 121-122, Tables J-1 and J-2.

The last survivor of the First Continental Congress, John Jay, died on 17 May 1829.

On the different notion of government, see Stanley Elkins and Eric McKitrick, "The Founding Fathers: Young Men of the Revolution," *Political Science Quarterly,* LXXVI (1961), 181-216; Cecelia M. Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *William and Mary Quarterly,* 3rd series, XII (1955), 3-43.

133. Adam Stephen to Richard Henry Lee, Berkeley Courthouse, 27 August 1774, Correspondence of Richard Henry Lee and Arthur Lee, I: 1766-1777, p. 95, American Philosophical Society.

134. To Samuel Ward, Newport, 17 July 1774, Gratz Collection, Old Congress, Case 1, Box 4, Historical Society of Pennsylvania.

petty state did at the power of the Amphytiones."[135] Digging into the past and the future, Christopher Leffingwell gave to the congress both unusual stature and a power not yet recognized in the law, and described the congress as "the highest and most respectable Council that ever was (and perhaps that ever will be) in America, who will give laws to this whole Continent, laws like unto those of the Medes and the Persians, which must not be altered, but must and I believe will be strictly and most religiously observed, –"[136] Indeed, "the wise Disposer of all events" was invoked by a Connecticut Yankee to "direct your counsels with wisdom and unanimity, equal to the Glorious Cause you are engaged in. It is nothing short of determining whether Americans *at least* shall be Freemen or Slaves."[137] On 14 July, New Hampshire held a fast day "to supplicate Heaven for the divine presence with the Congress to meet at Philadelphia on 1st September, & in general for the Removal of the Calamities & Councils which threaten the Destruction of the Charter Governments & the total Eversion of public American Liberty."[138] Less selfishly, others extended the guardianship of the congress over "the weal of *America,* yea, and of *Britain* too."[139] In a telling shift from the Stamp Act Congress resolves which had mentioned "that august body the Parliament of Great Britain," the colonial press referred to the First Continental Congress as "that august Assembly."[140] And the clerk of the Carpenters' Company was apparently so preoccupied with the forthcoming congress, that he mistakenly attributed the adjournment of the Company's regular gathering to "the Meeting of the Grand Congress in our Hall July 18th 1774," a day the provincial

135. To John Adams [4 July 1774], Adams Papers (Microfilm), Massachusetts Historical Society, Pt. IV, 344: 15 January 1767-July 1775.

136. To Silas Deane, Norwich, 22 August 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 140.

137. Thomas Mumford to Silas Deane, Groton, 3 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 147.

138. Franklin B. Dexter, ed., *The Literary Diary of Ezra Stiles, D.D., LL.D., President of Yale College,* 3 vols. (New York, 1901), I, 449.

139. Force, ed., *American Archives,* 4th series, I, 634.

140. *Virginia Gazette* (Purdie and Dixon), Supplement, 1 September 1774 under a Boston date line of 1 August.

convention used the building. Realizing his error, he lined out the entry, but his consciousness still shows in the records.[141] The public and private expression of such sentiments created an entirely new lexicon of catch phrases which, like the language of the real Whigs, encased much in relatively few words. The content of the new rhetoric reflected not the fear and pessimism of the old, but confidence and hope in "the Grand Council of America," made up of "glowing patriots & men of Learning & penetration," in "vigor and unanimity," "the salvation of American Liberty," and "the united Wisdom of the Continent."[142]

The delegates themselves shared with their countrymen this awareness of the congress as "the greatest assembly (in proportion to the number) that ever was Collected in America –"[143] At least one, Silas Deane, had a rather smug appreciation of "the confidence which the people have in those who plan and direct them," and certified to his wife that "The people need not be afraid for us. I can assure them from what I learn from the Southward, there will be spirit enough at the Congress."[144] Wiser bearers of the responsibility of representing the colonies looked forward to early September more diffidently. John Adams spent part of an introspective summer day walking through the corn, rye and grass of a field, but

> I wander alone, and ponder. – I muse, I mope, I ruminate. – I am often In Reveries and Brown Studies. – The Objects before me, are too grand, and

141. Warden's Book, February 1, 1769 to July 16, 1781, pp. 90-91, Carpenters' Company Library. This slip of the pen raises the possibility that Charles Thomson and his brethren in the other colonies had already made arrangements for the First Continental Congress to meet in Carpenters' Hall. Unfortunately, no evidence exists to substantiate this conjecture. It is, of course, possible that the clerk meant the Convention, but this is highly unlikely, for it was commonly called the "Provincial Committee," as indeed the clerk himself styled it (p. 90).

142. James Warren to John Adams, Plymouth, 14 July 1774, Adams Papers (Microfilm), Pt. IV, 344; James Madison to William Bradford, Virginia, 23 August 1774, Hutchinson and Rachal, eds., *Madison Papers,* I, 121; Richard Henry Lee to William Lee, Philadelphia, 20 September 1774, James Curtis Ballagh, ed., *The Letters of Richard Henry Lee,* 2 vols. (New York, 1911), I, 124; "Candidus," *Boston Gazette,* 27 June 1774, Cushing, ed., *Writings of Samuel Adams,* III, 132.

143. Caesar Rodney to Thomas Rodney, Philadelphia, 9 September 1774, Ryden, ed., *Rodney Letters,* p. 45.

144. To William Samuel Johnson, Wethersfield, 1 August 1774, Bancroft Collection, New York Public Library; to Elizabeth Deane, New York, 29 August 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 145.

> multifarious for my Comprehension. – We have not Men, fit for the Times. We are deficient in Genius, in Education, in Travel, in Fortune – in every Thing. I feel unutterable Anxiety. – God grant us Wisdom and Fortitude![145]

His letters of that season almost overflowed with the same doubts about himself and his fellow deputies; however, determination and ego tempered fear. He could simultaneously "dread the Thought of the Congress's falling short of the Expectation of the Continent, but especially of the People of this Province," and smother his dismay with a brave "Vapours avaunt! I will do my Duty, and leave the Event. If I have the Approbation of my own Mind, whether applauded or censured, blessed or cursed, by the World, I will not be unhappy."[146] And from there he went on to "view the assembly . . . as I do the court of Areopagus, the council of the Amphictyons, a conclave, a sanhedrim, a divan. I know not what."[147] Although possessing a reserve which often assumes the appearance of woodenness, Washington, like Adams, felt both uncertainty and resoluteness:

> For my own part, I shall not undertake to say where the line between Great Britain and the colonies should be drawn; but I am clearly of opinion, that one ought to be drawn, and our rights clearly ascertained. I could wish, I own, that the dispute had been left to posterity to determine, but the crisis is arrived and we must assert our rights, or submit to every imposition, that can be heaped upon us, till custom and use shall make us as tame and abject slaves, as the blacks we rule over with such arbitrary sway.

He concluded this letter with a firm "But I am done. I shall set off on Wednesday next for Philadelphia. . . ."[148]

Much more than "Reveries and Brown Studies" occupied the delegates during the summer of 1774; they also had to do their homework. John Adams sought the counsel of his most trusted friends, laid out a course for "furbishing up my old Reading in Law

145. Butterfield, ed., *Adams Diary,* II, 97.

146. To Abigail Adams, Falmouth, 6 July 1774, Butterfield, ed., *Adams Correspondence,* I, 129. See also, John Adams to James Warren, Braintree, 17 July 1774, *Warren-Adams Letters, Being chiefly a correspondence among John Adams, Samuel Adams, and James Warren, Collections* of the Massachusetts Historical Society, LXXII (1917), 29-31.

147. To James Warren, Ipswich, 25 June 1774, Adams, ed., *Works of John Adams,* IX, 338-339.

148. To Bryan Fairfax, Mount Vernon, 24 August 1774, Fitzpatrick, ed., *Writings of Washington,* III, 242.

and History," contemplated "a Suit of new Cloaths," and asked Abigail "to make me up, a Couple of Pieces of new Linnen."[149] Meanwhile Deane tried to compile data on "the number and size of the shipping, as well as a general state of the imports and exports" of Connecticut, and in an effort to establish the historical base of the constitution, he plowed through a copy of "Governor [John] Winthrop's manuscript Diary," the records of the seventeenth century Confederation of New England, and the colony's archives.[150] Washington too collected trade and population statistics and urged others to do the same.[151] Delegates also read the many letters, solicited and unsolicited, of advice, hope and foreboding.[152]

As the fifty-six men hunted for "a copy of Charles the Second's letter," "Went to the Barbacue at Accatinck" and arranged for new underwear, there were other matters to consider.[153] They had to digest the advice and instructions received and formulate positions to put before the congress. "What can be done? Will it be expedient to propose an Annual Congress of Committees? to Petition. – Will it do to petition at all?"[154] Many of the letters had answered these questions by recommending that the

149. John Adams to James Warren, Ipswich, 25 June 1774, Adams, ed., *Works of John Adams,* IX, 338-340; Mercy Otis Warren to John Adams [4 July 1774], James Warren to John Adams, Plymouth, 14 July 1774, and Joseph Hawley to John Adams, Northampton, 25 July 1774, Adams Papers (Microfilm), Pt. IV, 344; John Adams to Abigail Adams, York, 30 June 1774, and Falmouth, 6 July 1774, Butterfield, ed., *Adams Correspondence,* I, 115, 129.

150. Silas Deane to Jonathan Trumbull, Wethersfield, 16 August 1774, *The Deane Papers,* I: *1774-1777, Collections* of the New-York Historical Society, XIX (1886), 1-4.

151. To Richard Henry Lee, Williamsburg, 7 August 1774, Fitzpatrick, ed., *Writings of Washington,* III, 236.

152. For example, Adam Stephen to Richard Henry Lee, Berkeley Courthouse, 27 August 1774, Correspondence of Richard Henry Lee and of Arthur Lee, I, 95-97, American Philosophical Society; John Collins to Samuel Ward, Newport, 17 July 1774, Gratz Collection, Old Congress, Case 1, Box 4, Historical Society of Pennsylvania; Christopher Leffingwell to Silas Deane, Norwich, 22 August 1774, and Thomas Mumford to Silas Deane, Groton, 3 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 140-142, 147-148.

153. Silas Deane to Jonathan Trumbull, Wethersfield, 16 August 1774, *Deane Papers, Collections* of the New-York Historical Society, XIX, 2; Fitzpatrick, ed., *Washington Diaries,* II, 161.

154. Butterfield, ed., *Adams Diary,* II, 96.

colonies prepare for war, and some provinces were doing just that.[155] This seemed reasonable; after all, "When Demosthenes, (God forgive the Vanity of recollecting his Example) went Ambassador from Athens to the other States of Greece, to excite a Confederacy against Phillip, he did not go to propose a Non-Importation or Non-Consumption Agreement!!!"[156] In addition, rumors circulated "that General Gage has orders to interrupt the Congress. . . ."[157]

As September approached, the delegates continued to ready themselves for the congress, occasionally pausing for

> . . . one ugly reflection. Brutus and Cassius were conquered and slain. Hampden died in the field, Sidney on the scaffold, Harrington in jail, &c. This is cold comfort. Politics are an ordeal path among hot ploughshares. Who then would be a politician for the pleasure of running about barefoot among them? Yet somebody must.[158]

Perhaps the popular confidence and the departing salutes, or the knowledge that "Yet somebody must" quieted the feelings of personal inadequacy and the "one ugly reflection." In any event, toward the end of the summer, "the ablest & wealthiest men in America" journeyed to Philadelphia and the First Continental Congress.

155. For example, Christopher Leffingwell to Silas Deane, Norwich, 22 August 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 140-142; *South-Carolina Gazette,* 19 September 1774; Bartlett, ed., *Rhode Island Colony Records,* VII, 247.

156. John Adams to James Warren, Braintree, 17 July 1774, *Warren-Adams Letters, Collections* of the Massachusetts Historical Society, LXXII, 29.

157. Joseph Reed to the Earl of Dartmouth, Philadelphia, 25 July 1774, William B. Reed, *Life and Correspondence of Joseph Reed, Military Secretary of Washington, at Cambridge; Adjutant-General of the Continental Army; Member of the Congress of the United States; and President of the Executive Council of the State of Pennsylvania,* 2 vols. (Philadelphia, 1847), I, 71.

158. John Adams to James Warren, Ipswich, 25 June 1774, Adams, ed., *Works of John Adams,* IX, 339.

Table A: Distribution of the Population by National Origin

Colony	English	Scots	Scots Irish	Irish	German	Dutch	French	Swede	Unknown White	African
N.H.	60.7	6.2	4.6	2.9	.4	.1	.7	—	24.0	.5
Mass.	77.1	4.3	3.4	1.7	.5	.2	.9	—	10.4	1.7
R.I.	67.5	5.5	1.9	.8	.5	.4	.8	.1	17.7	5.0
Conn.	65.2	2.1	1.7	1.1	.3	.3	.9	—	25.7	2.8
N.Y.	46.8	6.3	4.6	2.7	7.4	15.8	3.4	.5	2.6	10.0
N.J.	43.5	7.1	5.8	3.0	8.5	15.4	2.2	3.6	3.4	7.5
Pa.	34.5	8.4	10.7	3.4	32.5	1.8	1.8	.8	3.8	2.4
Del.	56.0	7.5	5.9	5.0	1.0	4.0	1.5	8.3	4.1	6.6
Md.	43.3	5.1	3.9	4.4	7.9	.3	.8	.3	1.1	32.8
Va.	40.4	6.0	3.7	3.2	4.0	.2	.8	.4	.5	41.0
N.C.	43.8	9.8	3.8	3.6	3.1	.2	1.1	.1	.8	33.7
S.C.	27.8	7.0	4.2	2.0	2.3	.2	1.8	.1	.6	53.9
Region										
N. Eng.	70.4	4.0	2.9	1.6	.4	.2	.9	—	17.5	2.1
Middle	41.1	7.5	7.7	3.2	18.6	8.6	2.3	1.7	3.4	5.9
South	39.9	6.8	3.8	3.3	4.3	.2	1.0	.3	.7	39.6
All	48.0	6.3	4.7	2.9	7.3	2.5	1.3	.6	5.7	20.8

Table B: Distribution of the White Population by National Origin

Colony	English	Scots	Scots Irish	Irish	German	Dutch	French	Swede	Unknown
N.H.	61.0	6.2	4.6	2.9	.4	.1	.7	–	24.1
Mass.	78.3	4.4	3.5	1.7	.5	.2	.9	–	10.6
R.I.	71.0	5.8	2.0	.8	.5	.4	.8	.1	18.6
Conn.	67.0	2.2	1.8	1.1	.3	.3	.9	–	26.4
N.Y.	52.0	7.0	5.1	3.0	8.2	17.5	3.8	.5	2.9
N.J.	47.0	7.7	6.3	3.2	9.2	16.6	2.4	3.9	3.7
Pa.	35.3	8.6	11.0	3.5	33.3	1.8	1.8	.8	3.9
Del.	60.0	8.0	6.3	5.4	1.1	4.3	1.6	8.9	4.4
Md.	64.5	7.6	5.8	6.5	11.7	.5	1.2	.5	1.7
Va.	68.5	10.2	6.2	5.5	6.8	.3	1.5	.6	.9
N.C.	66.0	14.8	5.7	5.4	4.7	.3	1.7	.2	1.2
S.C.	60.2	15.1	9.4	4.4	5.0	.4	3.9	.2	1.4
Region									
N. Eng.	71.9	4.4	3.0	1.6	.4	.2	.9	–	17.9
Middle	43.7	7.9	8.1	3.4	19.7	9.2	2.5	1.8	3.6
South	66.0	11.3	6.3	5.5	7.2	.4	1.7	.4	1.2
All	60.6	7.9	5.9	3.6	9.2	3.2	1.7	.8	7.2

Table C: Distribution of the White Population at Large and of the Members of the First Continental Congress by National Origin

Nationality	Population at large	Congress in percentages	Congress in raw numbers
English	60.6	67.9	38
Scots	7.9	5.4	3
Scots-Irish	5.9	1.8	1
Irish	3.6	10.7	6
German	9.2	—	—
Dutch	3.2	1.8	1
French	1.7	—	—
Swedish	.8	1.8	1
Swiss	—	1.8	1
Anglo-Dutch	—	5.4	3
Franco-Dutch	—	1.8	1
Franco-German Dutch	—	1.8	1
Unknown	7.2	—	—
Total	**100.1**	**100.2**	**56**

Table D: Distribution of the Members of the First Continental Congress by National Origin

Colony	English	Scots	Scots Irish	Irish	Dutch	Swede	Swiss	Anglo Dutch	Franco Dutch	Franco German Dutch
N.H.	1			1						
Mass.	4									
R.I.	2									
Conn.	3									
N.Y.	3			1	1		1	1	1	1
N.J.	4							1		
Pa.	6					1		1		
Del.	1		1	1						
Md.	5									
Va.	6	1								
N.C.	1	2								
S.C.	2			3						
Region										
N. Eng.	10			1						
Middle	14		1	2	1	1	1	3	1	1
South	14	3		3						
All	38	3	1	6	1	1	1	3	1	1

Table E: Distribution of the Members of the First Continental Congress by Religious Affiliation

Colony	Anglican	Presbyterian	Congregational	Friends	Baptist	Dutch Reformed	Unknown
N.H.			1				1
Mass.			4				
R.I.				1	1		
Conn.			3				
N.Y.	4	2				1	2
N.J.	2	2					1
Pa.	4			4			
Del.	2	1					
Md.	5						
Va.	7						
N.C.	2						1
S.C.	5						
Region							
N. Eng.			8	1	1		1
Middle	12	5		4		1	3
South	19						1
All	31	5	8	5	1	1	5

Table F: Distribution of the Members of the First Continental Congress by Educational Attainment

Colony	Little	Common School	Grammar School	College[1]	Inns of[2] Court	Tutor	Father	Unknown
N.H.	1						1	
Mass.				4				
R.I.	1		1					
Conn.	1			2				
N.Y.	2	2		2		1		2
N.J.		1	1	1				2
Pa.	2			1	1		1	3
Del.			2				1	
Md.	1			1	2	1	1	
Va.	2		1	3	1		1	
N.C.			1	1				1
S.C.			1		2			2
Region								
N. Eng.	3		1	6			1	
Middle	4	3	3	4	1	1	2	7
South	3		3	5	5	1	2	3
All	10	3	7	15	6	2	5	10

Notes to Table F

1 Harvard: John Adams, Samuel Adams, Thomas Cushing and Robert Treat Paine of Massachusetts, and William Hooper of North Carolina
Yale: Silas Deane and Eliphalet Dyer of Connecticut, Philip Livingston of New York, and William Livingston of New Jersey
King's College: John Jay of New York
College of Philadelphia: Thomas Mifflin of Pennsylvania and William Paca of Maryland
William and Mary: Richard Bland, Benjamin Harrison and Peyton Randolph of Virginia

2 Inns of Court: John Dickinson of Pennsylvania, Robert Goldsborough and William Paca of Maryland, Peyton Randolph of Virginia, and Edward Rutledge and John Rutledge of South Carolina

Table G: Distribution of the Members of the First Continental Congress by Occupation

Colony	Lawyer Jurist	Planter	Merchant	Manufacturer	Builder	Politician
N.H.	1		1			
Mass.	2		1			1
R.I.		1	1			
Conn.	3					
N.Y.	3	3	3			
N.J.	5					
Pa.	5		1	1	1	
Del.	3					
Md.	4	1				
Va.	2	5				
N.C.	2		1			
S.C.	2	2	1			
Region						
N. Eng.	6	1	3			1
Middle	16	3	4	1	1	
South	10	8	2			
All	32	12	9	1	1	1

Table H: Distribution of the Members of the First Continental Congress by Public Offices Held to 5 September 1774

Colony	Assembly	Speaker	Council	Governor	Other Exec. Office	Militia Officer	Local Bench	Prov. Bench
N.H.	1					2		
Mass.	4	1						
R.I.	2	1		2			1	2
Conn.	3		2			1	1	2
N.Y.	4	1				1	2	
N.J.	4	1			1		1	
Pa.	8	2			2	1	1	1
Del.	3	2			4		2	1
Md.	5	1			2	1	1	
Va.	7	2			1	1	3	
N.C.	3	1			1	2		
S.C.	5	1	1		1	1	1	
Region								
N. Eng.	10	2	2	2		3	2	4
Middle	19	6			7	2	6	2
South	20	5	1		5	5	5	
All	49	13	3	2	12	10	13	6

Table H (Continued)

Colony	Committee of Correspondence	Provincial Convention	Stamp Act Congress	Albany Congress
N.H.		2		
Mass.	2			
R.I.	1			1
Conn.	1		1	
N.Y.	1			
N.J.	2	5	2	
Pa.	4	4	2	
Del.	3	3	2	
Md.	4	5		
Va.	6	7		
N.C.	3	3		
S.C.	3	5	3	
Region				
N. Eng.	4	2	1	1
Middle	10	12	6	
South	16	20	3	
All	30	34	10	1

Table I-1: Distribution of the Members of the First Continental Congress by Provincial and State Public Offices Held from 26 October 1774 to 30 April 1789

Colony	Assembly	Speaker	Senate	Council	Governor President	Lt. Gov. Vice Pres.	Other Exec. Office	Militia Officer
N.H.	2	1		1	1		1	2
Mass.	1		1	4		1	1	
R.I.	1							
Conn.			1					
N.Y.	1		5	1			2	1
N.J.	1			1	1		1	1
Pa.	7	2		2	3			1
Del.	2	1		2	3	1		1
Md.	2	1	3		2			1
Va.	6	2			2			2
N.C.	3	1	1		1		1	1
S.C.	2		1		1	1		1
Region								
N. Eng.	4	1	2	5	1	1	2	2
Middle	11	3	5	6	7	1	3	4
South	13	4	5		6	1	1	5
All	28	8	12	11	14	3	6	11

Table I-1 (Continued)

Colony	Local Bench	State Bench	Provincial Convention	State Constitutional Convention	Ratifying Convention
N.H.		1	2	2	1
Mass.		1	4	3	1
R.I.		1			
Conn.					2
N.Y.	1	1	7	2	5
N.J.				1	
Pa.				1	
Del.		1		2	1
Md.	1	1	5	4	3
Va.		1	6	3	3
N.C.			3	3	
S.C.		1	3	1	3
Region					
N. Eng.		3	6	5	4
Middle	1	2	7	6	6
South	1	3	17	11	9
All	2	8	30	22	19

Table I-2: Distribution of the Members of the First Continental Congress by Continental Public Offices Held from 26 October 1774 to 30 April 1789

Colony	Second Continental Congress	President of Congress	Head of Executive Department	Army	Diplomat	Bench
N.H.	2			1		
Mass.	4				1	
R.I.	2					
Conn.	3				1	
N.Y.	8	1	1		1	
N.J.	5					
Pa.	6	1		1		1
Del.	3	1				1
Md.	5					1
Va.	7	2		1		
N.C.	3					
S.C.	5			1		
Region						
N. Eng.	11			1	2	
Middle	22	3	1	1	1	2
South	20	2		2		1
All	53	5	1	4	3	3

Table I-2 (Continued)

Colony	Signer of Dec. of Ind.	Signer of Art. of Conf.	Constitutional Convention, 1787
N.H.			
Mass.	3	1	
R.I.	1		
Conn.	1	1	1
N.Y.	2	1	
N.J.			1
Pa.	2	1	2
Del.	3	1	1
Md.	2		
Va.	2	1	1
N.C.	2		
S.C.	1		1
Region			
N. Eng.	5	2	1
Middle	7	3	4
South	7	1	2
All	19	6	7

Table J-1: Distribution of the Members of the First Continental Congress by State Public Offices Held after 30 April 1789

State	Assembly	Senate	Governor	Lt. Gov.	State Bench	Constitutional Convention
N.H.						
Mass.			1	1	1	1
R.I.						
Conn.					1	
N.Y.	1	2	1			1
N.J.			1		1	
Pa.	1		1			1
Del.			1		2	1
Md.					2	
Va.	1					
N.C.						
S.C.		1	1		1	2
Region						
N. Eng.			1	1	2	1
Middle	2	2	4		3	3
South	1	1	1		3	2
All	3	3	6	1	8	6

Table J-2: Distribution of the Members of the First Continental Congress by Federal Public Offices Held after 30 April 1789

State	House	Senate	President	Vice Pres.	Diplomat	District Court	Supreme Court
N.H.						1	
Mass.			1	1			
R.I.							
Conn.	1	1					
N.Y.	1				1	1	1
N.J.							
Pa.							
Del.		1					
Md.						2	2
Va.		1	1				
N.C.							
S.C.							1
Region							
N. Eng.	1	1	1	1		1	
Middle	1	1			1	1	1
South		1	1			2	3
All	2	3	2	1	1	4	4

CHAPTER 4

"The Congress Formed"

At ten o'clock in the morning of Monday, 5 September 1774, the months of meetings and debate reached fruition. Forty-four "of the first & best people" from eleven of the British North American colonies gathered at Philadelphia's City Tavern and walked the short distance to Carpenters' Hall.[1] After viewing the two rooms and separating passageway on the first floor and the collection of the Library Company of Philadelphia in one of the three rooms upstairs, they assembled in the east chamber of the ground floor where "The General Cry was, that this was a good Room. . . ."[2] Upon the motion of South Carolina's Thomas Lynch, the delegates agreed to accept the offer from the Carpenters' Company of the use of its newly completed building for their sessions, with only the New Yorkers and some Pennsylvanians expressing a desire to look at the State House as well.[3] They also unanimously endorsed Lynch's nomination of Peyton Randolph, Speaker of the Virginia House of Burgesses, as their presiding officer and determined that this intercolonial conference "should be called *the Congress*" and that Randolph "should be called the *President.*"[4] Lynch then proposed

1. L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 122; John Penn to Lady Juliana Penn, Philadelphia, 6 September 1774, Penn MSS., Official Correspondence, XI: 1772-1775, 173, Historical Society of Pennsylvania.

   Representatives from the twelfth colony, North Carolina, took their seats a week later.

2. Butterfield, ed., *Adams Diary,* II, 122. For a description of the Hall and its construction, see Charles E. Peterson, "Carpenters' Hall," Luther P. Eisenhart, ed., *Historic Philadelphia from the Founding until the Early Nineteenth Century: Papers Dealing with Its People and Buildings with an Illustrative Map, Transactions* of the American Philosophical Society, XLIII (1953), pt. 1, pp. 96-101.

   Although the Library Company rented the entire second floor from the Carpenters' Company, it kept its books in but one of the three rooms; in one of the others it housed scientific equipment.

3. James Duane, Notes on Proceedings, 5 September 1774, Edmund C. Burnett, ed., *Letters of Members of the Continental Congress,* 8 vols. (Gloucester, Mass., 1963), I, 8; Butterfield, ed., *Adams Diary,* II, 122.

4. Duane, Notes, 5 September 1774, Burnett, ed., *Letters,* I, 8.

the appointment of Charles Thomson, "a Gentleman of Family, Fortune and Character in this City," as secretary "which was accordingly done without opposition" despite the reservations of James Duane and John Jay of New York.[5] Next the deputies heard a reading of the credentials which authorized their attendance.[6] Finally, on this first day, Duane suggested that "a Committee be appointed to consider of Rules for the Conduct of the Congress"; after some debate on this and the method of voting, the deputies deferred the question for further discussion and adjourned "to meet at this place tomorrow morning at 10 o Clock."[7] "The Congress formed. . . ."[8]

Although apparently very straightforward and simple, the events of 5 September reflect much about the decision-making processes of the Congress and the problems posed by the Congress for the historian. For example, the choice of Carpenters' Hall did not really take place on that Monday morning amid a "General Cry" of enthusiasm. As Speaker of the House of the host province, Joseph Galloway had invited the delegates to use the Assembly Room of the State House. A public chamber, larger and more elegant, the Assembly Room, as Silas Deane wrote on the third, "is evidently the best place, but as *he* offers, the other party oppose."[9] "The other party" not only sought to "oppose" Galloway, it had determined no later than 30 August to decline his tender; on that day John Adams "Visited the Markett, the State house, the

5. Butterfield, ed., *Adams Diary,* II, 123.

6. For these credentials, see National Archives and Records Service, Records of the Continental and Confederation Congresses and the Constitutional Convention, Record Group 360, Item 1: Rough Journals, 1774-1789, I: 1774, 3-14; or Worthington C. Ford, *et al.,* eds., *Journals of the Continental Congress,* 34 vols. (Washington, 1904-1937), I, 15-24.

   On the method of citing the Journal in this study, see above, ch. 3, p. 62, fn. 5.

7. Butterfield, ed., *Adams Diary,* II, 123-124; Duane, Notes, 5 September 1774, Burnett, ed., *Letters,* I, 9; PCC: Journal, I, 14-15, where the entry is lined out; Ford, ed., *Journals,* I, 24.

8. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Correspondence of Silas Deane, Delegate to the First and Second Congress at Philadelphia, 1774-1776, Collections* of the Connecticut Historical Society, II (1870), 172. Although dated 8 September, this lengthy journal in letter form covers the period from 29 August to 8 September and seems to have been composed between 31 August and 8 September.

9. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 169-170.

Carpenters Hall where the Congress is to Sit, &c. . . . ."[10] While this diary entry casts a different light on the spontaneity of 5 September, it still leaves unanswered the question of how and when they chose Carpenters' Hall. Adams and the other deputies from Massachusetts did not arrive in Philadelphia until late in the afternoon of 29 August. That evening they received "a fresh Welcome to the City" from a number of gentlemen at City Tavern, "and after some Time spent in Conversation a curtain was drawn, and in the other Half of the Chamber a Supper appeared as elegant as ever was laid upon a Table." They talked until after eleven o'clock with other delegates, including Lynch, Christopher Gadsden, Thomas McKean and Thomas Mifflin.[11] Perhaps they determined that night to throw their weight behind Carpenters' Hall.[12] In any event, it was "privately settled by an Interest made out of Doors" well before the Journal recorded it on 5 September.[13]

The appointment of Charles Thomson, "the Sam. Adams of Phyladelphia – the Life of the Cause of Liberty, they say," was similarly "settled" in caucus previous to the opening day.[14] In July, Galloway's control of the Pennsylvania legislature had enabled him to keep Thomson, "his sworn opposite," off the province's delegation to the Congress.[15] He had not counted, however, on the hospitality extended in the "grand, spacious, and elegant House" of Thomas Mifflin.[16] On 30 August, the Bostonians "had much Conversation with Mr. Charles Thompson" there; on 1 September they had breakfast at Mifflin's where "Mr. C. Thompson came in"; the next day they "Dined at Mr. Thom. Mifflins" with Lynch, Henry Middleton and the

10. Butterfield, ed., *Adams Diary,* II, 115.

11. Butterfield, ed., *Adams Diary,* II, 114-115.

12. It is also barely possible that they had agreed upon Carpenters' Hall some time in the middle of July; see above, ch. 3, pp. 102-103 and fn. 141.

13. [Joseph Galloway] to William Franklin, Philadelphia, 5 September 1774, W. A. Whitehead, *et al.,* eds., *Archives of the State of New Jersey,* 1st series: *Documents Relating to the Colonial History of the State of New Jersey,* 42 vols. (Newark and Trenton, 1880-1949), X, 477.

14. Butterfield, ed., *Adams Diary,* II, 115; [Joseph Galloway] to William Franklin, Philadelphia, 5 September 1774, Whitehead, *et al.,* eds., *Archives of New Jersey,* 1st series, X, 477.

15. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 172.

16. Butterfield, ed., *Adams Diary,* II, 115.

Rutledges; on the third they "Spent the Evening at Mr. Mifflins" with Richard Henry Lee, Benjamin Harrison, the Rutledges and others, and "Mr. Mifflin spent the Sunday Evening" of 4 September with them.[17] Although no diarist mentioned any plan for the nomination of Thomson, it is not unlikely that Mifflin's guests found his colleague from the city's committee of correspondence an attractive kindred soul. Meanwhile, Galloway, not having "had any great Opportunity of sounding" the deputies, retired for the weekend to the tranquility of "Trevose," his Bucks County country house, and on the fifth to his "Surprize *Charles Thomson* was unanimously elected. . . ."[18] To be sure, like the Hall, Thomson did not enjoy the favor of several New Yorkers and Pennsylvanians, including James Duane, John Jay and Galloway, who wanted the enigmatic trimmer, Silas Deane of Connecticut, as secretary, but Galloway and his supporters, "finding a great Majority, did not think it prudent to oppose it – "[19]

The supposition that the gentlemen from Massachusetts, particularly the Adamses, worked diligently for the selection of Carpenters' Hall and Charles Thomson receives some corroboration from two general comments about their role and the specific account of their activity left by John Adams. According to Galloway, Samuel Adams:

> though by no means remarkable for brilliant abilities, yet is equal to most men in popular intrigue, and the management of a faction. He eats little, drinks little, sleeps little, thinks much, and is most decisive and indefatigable in the pursuit of objects. It was this man, who by his superior application managed at once the faction in Congress at Philadelphia. . . .[20]

17. Butterfield, ed., *Adams Diary,* II, 115, 118, 119, 121, 122.

18. [Joseph Galloway] to William Franklin [Trevose], 3 September 1774, and Philadelphia, 5 September 1774, Whitehead, *et al.,* eds., *Archives of New Jersey,* 1st series, X, 475, 477.

19. [Joseph Galloway] to William Franklin, Philadelphia, 5 September 1774, Whitehead, *et al.,* eds., *Archives of New Jersey,* 1st series, X, 477; Butterfield, ed., *Adams Diary,* II, 123; Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 172. Deane agreed with Galloway that the secretary should be a delegate, but did not oppose Thomson, for "I most probably should have had the task myself, which is too burdensome to one who wants all spare hours for relaxation."

20. [Joseph Galloway], *Historical and Political Reflections on the Rise and Progress of the American Rebellion* (London, 1780), p. 67.

And John Adams wrote to William Tudor:

> We have been obliged to act with great delicacy and caution. We have been obliged to keep ourselves out of sight, and to feel pulses, and to sound depths; to insinuate our sentiments, designs, and desires, by means of other persons, sometimes of one province, and sometimes of another.[21]

More concretely, between 29 August and 4 September, they met with deputies from South Carolina, Rhode Island, Virginia, Delaware and Maryland.[22] At these gatherings they "were all vastly pleased with Mr. Lynch. He is a solid, firm, judicious Man."[23] In addition, perhaps in an effort "to keep ourselves out of sight," on 31 August they moved from their lodgings at Mrs. Sarah Yard's "Stone House" opposite the centrally located City Tavern to Miss Jane Port's some distance away on Arch Street between Front and Second, only to return to Mrs. Yard's on 3 September; owing to the presence of the representatives from the Bay province, the "Stone House" "was by some Complimented with the Title of Head Quarters, but by Mr. Richard Henry Lee, more decently called Liberty Hall."[24] Finally, their political experience with the Boston populace and their city informants doubtless made them aware that Carpenters' Hall and Charles Thomson would be "highly agreeable to the mechanics and citizens in general, but mortifying to the last degree to Mr. Galloway and his party. . . ."[25] From these many pieces, it would appear that very careful planning and some astute politicking – with little time for country retreats – secured approval by the Congress of Lynch's proposals for a meeting place and a secretary.

The election of Peyton Randolph, the embodiment of the social conservatism, aristocratic sense of political responsibility and pride of the Virginia gentry, to the

21. Philadelphia, 29 September 1774, Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author,* 10 vols. (Boston, 1850-1856), IX, 348. See also Samuel Adams to Joseph Warren, Philadelphia, 25 September 1774, Harry Alonzo Cushing, ed., *The Writings of Samuel Adams,* 4 vols. (New York, 1968), III, 158.

22. Butterfield, ed., *Adams Diary,* II, 116, 117, 119-120, 121.

23. Butterfield, ed., *Adams Diary,* II, 117.

24. Butterfield, ed., *Adams Diary,* II, 115, fn. 4, 119, and IV, 310. The "Stone House" is more commonly known as the Slate Roof House. The reason given here for the temporary move from Mrs. Yard's to Miss Port's is, of course, only conjecture.

25. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 172.

presidency required neither insinuation nor mortification. He certainly looked the part and "seems designed by nature for the business. Of an affable, open, and majestic deportment, – large in size, though not out of proportion, – he commands respect and esteem by his very aspect, independent of the high character he sustains."[26] In a way, he also deserved the office, for he had served as Speaker of the Virginia House and as chairman of its committee of correspondence which had issued the operative call for a congress. Furthermore, he led the delegation from the most populous of the twelve colonies represented. More importantly, he was a southerner; his appointment, like Washington's as commander-in-chief of the Continental Army nine months later, would tie the South to beleaguered New England and would alleviate the fear that the Yankees sought to dominate the other sections. Since, in 1774, the word president meant merely the "head of a temporary or permanent body of persons, who presides over their meetings and proceedings," with none of the executive connotations which it acquired a few years later, his elevation signified no thwarting of any plans laid at Mifflin's or "Head Quarters."[27] Indeed, the fact that Lynch nominated Randolph, as well as Thomson and Carpenters' Hall, suggests rather strongly that the Bostonians sponsored his selection. As a Randolph, a wealthy planter, a member of the Inner Temple, a former provincial attorney general and "a Gentleman . . . who has presided with great Dignity over a very respectable Society [the House of Burgesses], greatly to the Advantage of America," he stood for everything the Congress needed: reputability, tradition and, above all, unity.[28]

The events of the first day raise three additional problems: factionalism within the Congress, the use of the Journal, and the nature of this intercolonial conference. Contemporaries and historians alike have referred to party divisions in the Congress. Galloway complained of Samuel Adams's management of a "faction"; Deane mentioned "Galloway and his party"; four years later William Livingston recalled "that parties were forming" within a fortnight of the Congress's gathering, and in retrospect John Adams separated it into "One third Tories, another Whigs and the rest

26. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 173.

27. *The Oxford Universal Dictionary on Historical Principles,* 3rd edition (Oxford, 1955), p. 1575.

28. Butterfield, ed., *Adams Diary,* II, 123.

mongrels."[29] Scholars regularly have attempted to describe two, and sometimes three, camps in the Congress, one radical, one conservative, and another moderate.[30] In the very fluid political situation of the mid-1770's, it is extremely difficult to establish criteria for the assignment of these labels. If the standard adopted for conservatism is ultimate loyalty to Great Britain, only Galloway and Isaac Low qualify as conservatives. If it means acceptance of the hierarchical social *status quo* the "radical" John Adams becomes a conservative along with Washington and Randolph. If radicalism implies a commitment to independence and republicanism in 1774, Galloway's discovery of "a dangerous combination" of antimonarchical Congregationalists and Presbyterians to the contrary notwithstanding, perhaps only Samuel Adams meets the test.[31] If the conservatives include those who clung to the past, then the majority who sought to return to the imperial relationship as it prevailed before 1763 and who thought this could be achieved by the tried method of economic sanctions can only be regarded as conservatives; by the same token, Galloway's innovative plan of union makes him a radical. And what of John Dickinson? To the "radical" Samuel Adams in 1774 he stood as "a true Bostonian"; ten months later John Adams described Dickinson as one "whose Abilities and Virtues, formerly trumpeted so much in America, have been found wanting," and within another two months the two men were not "upon speaking Terms, nor bowing Terms, for the time

29. William Livingston to Henry Laurens, 5 February 1778, Theodore Sedgwick, Jr., *A Memoir of the Life of William Livingston, Member of Congress in 1774, 1775, and 1776; Delegate to the Federal Convention in 1787, and Governor of the State of New-Jersey from 1776 to 1790. With Extracts from His Correspondence, and Notices of Various Members of His Family* (New York, 1833), p. 173; John Adams to Thomas Jefferson, Quincy, 12 November 1813, Lester J. Cappon, ed., *The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams,* 2 vols. (Chapel Hill, N.C., 1959), II, 392.

30. E.g., Carl Becker, *The History of Political Parties in the Province of New York, 1760-1776* (Madison, 1909), pp. 142-144; Julian P. Boyd, *Anglo-American Union: Joseph Galloway's Plans to Preserve the British Empire, 1774-1788* (New York, 1970), pp. 28-32; Edmund C. Burnett, *The Continental Congress* (New York, 1964), pp. 33-34; Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781* (Madison, 1962), pp. 57-61. For a rather different view, see David L. Ammerman, "The First Continental Congress and the Coming of the American Revolution" (unpublished Ph.D. dissertation, Cornell University, 1966), pp. 78-83.

31. *Historical and Political Reflections,* p. 54.

to come."[32] Perhaps a distinction can be made between those who adhered to a concept of unified authority and those who advanced the idea of divided sovereignty or federalism, but this does not lend itself readily to the application of the designations conservative, radical and moderate.[33] Moreover, a political paradox of the eighteenth century complicates the whole question even further: the men of colonial America, as of the mother country, had both an aversion to parties and a marked inclination to form and use them.[34]

Despite the difficulties and contradictions, factions did exist, and tags do assist in an understanding of the Congress. These factions, however, must not be confused with the relatively stable party groupings of the nineteenth and twentieth centuries; rather they were temporary alliances established on the basis of a particular issue, and dissolved and reformed with a different shape from issue to issue. Within the First Continental Congress, several lines of division may be drawn. Men disagreed on the nature of the imperial connection. Some, like Galloway, Duane, Jay, Low and the Rutledges, advocated a closer union with Britain and the acknowledgment of Parliament's superintending authority.[35] Others, including the Adamses, Ward, Sherman, Mifflin, Johnson, Henry, Lee, Pendleton, Lynch and Gadsden, argued for the complete independence of the provincial legislatures from Parliament within an empire bound together by a common monarch.[36] Yet others, such as Cushing, Paine, Hopkins, Dickinson, Read, Chase and Washington, leaned toward the acceptance of a

32. Samuel Adams to Joseph Warren, Philadelphia, 25 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 158; John Adams to Abigail Adams [Philadelphia], 23 July 1775, L. H. Butterfield, ed., *The Adams Papers: Adams Family Correspondence* (Cambridge, Mass., 1963-), I, 253; Butterfield, ed., *Adams Diary,* II, 173.

33. See above, ch. 1, pp. 13-19.

34. Cecelia M. Kenyon, "Republicanism and Radicalism in the American Revolution: An Old-Fashioned Interpretation," *William and Mary Quarterly,* 3rd series, XIX (1962), 156.

35. Butterfield, ed., *Adams Diary,* II, 141-144, 148, 151; [Joseph Galloway] to William Franklin [Trevose], 3 September 1774, and Philadelphia, 5 September 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 476, 478; [Samuel Ward], Notes on debate in Congress [September 1774], p. 1, Ward Papers, Rhode Island Historical Society; John Jay to [John] Vardill, Philadelphia, 24 September 1774, Jay Papers, Columbia University.

36. Butterfield, ed., *Adams Diary,* II, 120, 129, 133, 143, 148; Duane, Notes, 12 and 14 October 1774, Burnett, ed., *Letters,* I, 71, 75; Christopher Collier, ed., "Silas Deane Reports on the Continental Congress, A Diary Fragment: October 1-6, 1774," Connecticut Historical Society *Bulletin,* XXIX, No. 1 (1964), p. 5.

constitutionally defined and limited exercise of Parliamentary power.[37] Conflicting views on the foundation of colonial rights also provide an indication of party alignments. Lee, Jay, Sherman and William Livingston thought that they rested on the British constitution, the charters and natural law, a judgment which permitted a very expansive interpretation of America's liberties. On the other hand, Galloway, Duane and John Rutledge repudiated the natural rights construction and saw the provincial position as narrowly grounded on the constitution, charters and common law.[38] Other questions revealed a similar fluidity and splits. Jay, Low, Ross and Duane had no objection to paying for the tea destroyed at Boston; Henry, Lee, Gadsden, Lynch, the Rutledges, Goldsborough, Ward and John Adams would have none of that.[39] Lee, supported by Henry, Sherman, Dyer, Jay and Lynch, proposed the strengthening of the militia in the event hostilities broke out; the Rutledges, Bland, Harrison, Duane, Low and Hooper opposed him.[40] The means of redress also divided the delegates. Cushing, Dyer, Gadsden, Edward Rutledge and Hooper pushed for an immediate suspension of trade, while Chase, Henry, Lee, Lynch, Mifflin and possibly Sullivan wanted some delay, and Galloway tried to prevent a boycott entirely.[41]

Out of these constantly shifting alliances and the general observations of several deputies, a rough delineation of parties emerges. Although exceptions existed in each delegation, the men from Massachusetts, Rhode Island, Maryland, Virginia and South Carolina tended to be somewhat more aggressive than those from New York,

37. Butterfield, ed., *Adams Diary,* II, 133, 148, 151; Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, p. 5; George Washington to Bryan Fairfax, Mount Vernon, 24 August 1774, John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799,* 39 vols. (Washington, 1931-1944), III, 240-242.

38. Butterfield, ed., *Adams Diary,* II, 128-130.

39. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, p. 2.

40. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, pp. 3-4.

41. Butterfield, ed., *Adams Diary,* II, 137-140; William Franklin to the Earl of Dartmouth, Burlington, 6 September 1774, Whitehead, *et al.,* eds., *Archives of New Jersey,* 1st series, X, 474. The instructions given by the Virginia Convention to its delegates recommended a delay on nonexportation. See above, ch. 3, pp. 82-83; Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950-), I, 142.

Pennsylvania and New Jersey, and may be considered more radical.[42] Even this fluctuated as issues arose which put men from large provinces at variance with those from small ones or which involved diverse economic interests. In the end, only individual delegates, not groups, can be classified as radical, moderate or conservative, and then a qualification which describes the specific issue or broader area of concern must accompany the label.

Too often studied from the perspective of later political developments, the transitory factional alignments in the First Continental Congress have been assigned an undue significance. To be sure, "the different Forms of Government in the several Colonies, different Educations, Books, & Company naturally occasion the viewing political Objects in a light not always the same," and men disagreed.[43] However, concentration on the divisions obscures the essential unity of the Congress. None, including Galloway, doubted the oppressiveness and impropriety of the recent British legislation. Furthermore, no member disputed the purpose of the Congress: the adoption of a common plan for the redress of colonial grievances and for the restoration or creation of an imperial relationship on constitutional grounds. The achievement of this goal invariably required much discussion and compromise on the part of the delegates who represented very diverse constituencies and "each of whom has been habituated to lead and guide in his own Province. . . ."[44] This consumed much time, sometimes frayed tempers and produced the occasional factions, but not even Samuel Adams lost sight of the fact that "It becomes them to deliberate."[45] And from his often impatient cousin John it evoked a bitter joke:

42. Caesar Rodney to Thomas Rodney, Philadelphia, 9 September 1774, George Herbert Ryden, ed., *Letters to and from Caesar Rodney, 1756-1784* (Philadelphia, 1933), pp. 45-46; Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 173; William Franklin to the Earl of Dartmouth, Burlington, 6 September 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 474; Cadwallader Colden to the Earl of Dartmouth, New York, 7 December 1774, *The Colden Letter Books,* II: *1765-1775, Collections* of the New-York Historical Society, X (1877), 374.

43. Samuel Ward to Henry Marchant, Philadelphia, 7 October 1774, Ward Papers, Rhode Island Historical Society.

44. Butterfield, ed., *Adams Diary,* II, 150.

45. To Joseph Warren, Philadelphia, 25 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 159.

. . . Business is drawn and spun out to an immeasurable length. I believe if it was moved and seconded that We should come to a Resolution that Three and two make five We should be entertained with Logick and Rhetorick, Law, History, Politicks and Mathematicks, concerning the Subject for two whole Days, and then We should pass the Resolution unanimously in the Affirmative.[46]

The loss of "two whole Days" may have irritated, but passage of "the Resolution unanimously in the Affirmative" assumed much greater importance. The Congress, after all, had "no legal Authority and Obedience to our Determinations will only follow the reasonableness, the apparent Utility, and Necessity of the Measures We adopt. We have no coercive or legislative Authority. Our Constituents are bound only in Honour, to observe our Determinations."[47] In these circumstances, the deputies had to overcome partisanship and reach a broad consensus satisfactory to Massachusetts, South Carolina, New York and Pennsylvania alike. Remarkably, the fifty-six men accomplished just that and "are very happy in this that the common Good of our Country seems to be the general Aim & upon a proper Discussion of a Subject We are generally very unanimous."[48]

Unanimity introduces the problem of the Journal and the nature of the First Continental Congress. The Congress entered into forty-five resolutions, twenty either unanimously or *nemine contradicente.*[49] This does not mean that all members present and voting approved every one of the twenty, for on 6 September the delegates determined – not without dissent – that "each Colony or Province shall have one Vote."[50] Consequently a unanimous decision needed the support of only a majority of each colony's deputation, or thirty-five men in a full Congress. Just what the size of a unanimous vote was or how many abstentions enabled Thomson to write "Resolved N.C.D." must forever remain obscure as far as the Journal goes, because he noted only the fact of the Congress's meeting and the measures passed with no indication of divisions by man or province.

46. To Abigail Adams, Philadelphia, 9 October 1774, Butterfield, ed., *Adams Correspondence,* I, 166.

47. John Rutledge in debates of 6 September 1774, Butterfield, ed., *Adams Diary,* II, 125.

48. Samuel Ward to Henry Marchant, Philadelphia, 7 October 1774, Ward Papers, Rhode Island Historical Society.

49. Eleven unanimously, nine *nem. con.*

50. PCC: Journal, I, 15; Ford, ed., *Journals,* I, 25.

This skeletal character of the Journal has produced lasting misunderstanding and, indeed, has contributed to the interpretation of radical control. Both Galloway and Duane dissented from particular resolutions, including some "entered unanimously," and both futilely attempted to have their opposition registered in the Journal which Galloway attributed to the machinations of "the violent party."[51] The fate of the Pennsylvania Speaker's plan of union affords the most notorious example of this exclusion. On 28 September, he introduced his scheme which the delegates debated for the rest of the day. According to Samuel Ward, it was "not committed, but ordered to lie on the table," and was revived and "dismissed" on 22 October.[52] Under 28 September Thomson wrote and later struck out "Here insert Mr. Galloway's motion and Plan," and under 22 October he made no reference to it.[53] Galloway maintained that "the independent faction" had had his proposition "expunged from the Minutes," a contention which historians have repeated to demonstrate radical success at the Congress.[54] The only evidence for this purposeful erasure comes from Galloway and his seconder, James Duane.[55] Although this alone does not necessarily challenge the authenticity of their account, it does raise the possibility of a vindicatory misconstruction by them. Since the Journal contains only those resolutions approved

51. Duane, Notes, 17 October 1774, Burnett, ed., *Letters,* I, 79; [Joseph Galloway], *The Examination of Joseph Galloway, Esq; Late Speaker of the House of Assembly of Pennsylvania. Before the House of Commons, in a Committee on the American Papers. With Explanatory Notes* (London, 1779), pp. 59, 63-64; Cadwallader Colden to the Earl of Dartmouth, New York, 7 December 1774, *Colden Letter Books, Collections* of the New-York Historical Society, X, 374.

52. John Ward, ed., "Diary of Governor Samuel Ward, Delegate from Rhode Island in Continental Congress, 1774-1776," *The Magazine of American History,* I (1877), 441, 442.

53. PCC: Journal, I, 32, 52-53; Ford, ed., *Journals,* I, 43, 102-103.

54. *A Candid Examination of the Mutual Claims of Great-Britain, and the Colonies: With a Plan of Accommodation, on Constitutional Principles* (London, 1780), p. 64; this pamphlet was originally published by the Loyalist printer James Rivington of New York early in 1775.

    See, for example, Becker, *Political Parties in New York,* pp. 149-150; Burnett, *Continental Congress,* pp. 49-50; Boyd, *Anglo-American Union,* p. 38.

55. Burnett, ed., *Letters,* I, 51, item 68, fn. 2. The Colden and William Franklin accounts are derived from Galloway and/or Duane (Cadwallader Colden to the Earl of Dartmouth, New York, 7 December 1774, *Colden Letter Books, Collections* of the New-York Historical Society, X, 374; William Franklin to the Earl of Dartmouth, Perth Amboy, 6 December 1774, Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 504).

by the Congress, the defeated Galloway plan, like his dissents, simply had no place in its pages. This is supported by the lined out sentence of 28 September, for had it found favor on 22 October, Thomson presumably would have incorporated the plan in the record. Moreover, exactly the same official oblivion descended upon the rejected proposals of members of the reputedly dominant radical group.[56] All of this suggests that unit balloting and the Journal's form, not a conspiracy, produced the silencing of Galloway and Duane.

The Journal's format bore an intimate relationship to the character and purpose of the Congress. As implied by the pre-1781 meaning of the word congress, it was in effect a conference of autonomous or semi-autonomous, constitutionally discrete jurisdictions convened for the formulation of a common policy.[57] In such a gathering, composed of numerically unequal deputations, the significant participating unit was the dominion represented, not the individual representatives. Thus almost by definition, personal dissent did not warrant notation. At the same time, however, the majority of the provinces and delegates did have an interest in keeping a Journal which concealed differences or which made public only agreement. Inasmuch as the Congress had no authority to enforce its decisions and had to rely upon popular consent for their implementation, the appearance of unanimity or at least substantial majorities became crucially important to the success of its opposition to the mother country.

These organizational and procedural problems continued to occupy the delegates for another two days. They could not give such matters merely perfunctory attention, for the Congress both lacked precedents and had an acute awareness of the precedent-setting nature of its actions. Cautiously resuming the debate on the need for a committee to draft rules and one "to fix the mode of voting," they established neither, leaving these questions to the full Congress to determine.[58] This seemingly straightforward decision reveals the suspicions and jealousies which plagued the

56. For example, a motion of 3 October by Richard Henry Lee that the Congress urge the colonies to strengthen the militia was so altered in debate that Lee himself voted against it; the Journal contains no mention of Lee's original resolution. Similarly, on 6 October Thomas Lynch lost a motion and thus entry in the Journal concerning the details of nonexportation (Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, pp. 3-5, 7-8; PCC: Journal, I, 34, 35-36; Ford, ed., *Journals,* I, 53-54, 55-57). For other lined out entries, see PCC: Journal, I, 14-15; Ford, ed., *Journals,* I, 24-25.

57. I have selected 1781 as the date for the change in meaning owing to the ratification of the Articles of Confederation in that year.

58. PCC: Journal, I, 15; Ford, ed., *Journals,* I, 25. Defeated by the Congress, the motions proposing the creation of these two committees are lined out in the manuscript Journal.

colonies and demonstrates the fragility of the factional alignments; the deputies simply did not trust one another enough to submit the method of balloting to a committee. Since the problem came down to equal or proportional representation and thus the relative importance at the conference of the twelve dominions, this concern was quite natural and the discussions were warm.

During the debate of 5 September, the first day, on appointing the two committees on procedure, John Adams brought the whole question into the open by asking Duane for an explanation for his proposal to set up such committees. In his reply, Duane "mentioned particularly the Method of voting – whether it should be by Colonies, or by the Poll, or by Interests." The "radical" Cicero of Virginia, Patrick Henry, then jumped in on the "conservative" Duane's side, recommended the establishment of a precedent, argued that "it would be a great Injustice, if a little Colony should have the same Weight in the Councils of America, as a great one," and favored the creation of a committee. Little New Hampshire's John Sullivan opposed, observing "that a little Colony had its All at Stake as well as a great one." John Adams acknowledged the inequity of equality, but thought that any attempt to "ascertain the true Importance of each Colony," their population, exports, imports "or by any compound Ratio of both" would yield "such a Field of Controversy as will greatly perplex us" and could not be determined accurately. Although Deane, Washington and presumably others had brought such data, Adams made the very telling comment that "It would not do in such a Case to take each other's Words" and that the Congress needed "authentick Evidence, from Records."[59] And so the day ended.

Upon resumption of the deliberations on the sixth, Henry maintained that owing to Britain's oppression of the colonies "Government is dissolved" and that "We are in a State of Nature. . . ." In this primordial civil condition, "It is one of the great Duties of the democratical Part of the Constitution to keep itself pure" which required discriminating between the plantations on the basis of numbers. Turning nationalistic, he proclaimed "The Distinctions between Virginians, Pensylvanians, New Yorkers and New Englanders, are no more. I am not a Virginian, but an American." Paradoxically, he employed his patriotic eloquence to secure a premier position in the Congress for his own province; for if "Government is dissolved" and "The Distinctions . . . are no more," then no American could object to a former Virginian's having larger influence than a former Rhode Islander. Henry did generously express his willingness to discount slaves and to base representation on freemen only, but the adoption of either system of enumeration would have given Virginia the most delegates. South Carolina's Lynch, speaking for one of the least populous but richest plantations, differed with Henry and advocated a method which took into account both numbers and wealth. The Virginia

59. Butterfield, ed., *Adams Diary,* II, 123. On statistics gathering by Deane and Washington, see above, ch. 3, p. 105.

House which contained two Burgesses for each county without regard to size or prosperity gave Ward of Rhode Island an opportunity to urge parity. And yet others followed Adams's lead. If, as Galloway complained, there had been "an Interest made out of Doors" for Carpenters' Hall and Charles Thomson on the fifth, it no longer existed on the sixth, when four new combinations formed on the issue of voting procedures. With Henry stood his old opponent in Virginia politics, Benjamin Harrison, and Galloway's ally of the first day, John Jay. Ward and Sullivan took the opposite view, and Lynch wanted a mixed formula. John Adams, Lee, Bland, Pendleton and Gadsden leaned toward Lynch, but statistical despair drove them to Ward and Sullivan.[60] Necessity dictated compromise, and the delegates agreed that "each Colony

60. Butterfield, ed., *Adams Diary,* II, 123-126; Duane, Notes, 6 September 1774, Burnett, ed., *Letters,* I, 12-13.

Samuel Ward and Robert Treat Paine told Ezra Stiles that an unacceptable estimate of the population of each colony was prepared at the Congress. For this estimate in raw numbers and Stile's critique of it, see Franklin B. Dexter, ed., *The Literary Diary of Ezra Stiles, D.D., LL.D., President of Yale College,* 3 vols. (New York, 1901), I, 486-488.

The best modern scholarly approximations and the Congressional estimate show clearly the reason for Henry's advocacy of proportional representation and its consequences for the smaller colonies. These estimates are given in the following table.

Table A: Percentage Distribution of Both the White and Total Population of the Twelve Provinces, 1770 and 1780, and of the Total Population, 1774.

	White		Total		Total
Colony	**1770**	**1780**	**1770**	**1780**	**1774**
N.H.	3.7	4.2	3.0	3.3	5.0
Mass.	15.8	15.1	12.7	12.1	13.2
R.I.	3.3	2.4	2.8	2.0	2.0
Conn.	10.8	9.7	8.8	7.9	6.3
N.Y.	8.7	9.1	7.8	8.0	8.3
N.J.	6.6	6.2	5.6	5.3	4.3
Pa.	14.2	15.4	11.4	12.5	11.6[a]
Del.	2.0	2.0	1.7	1.7	
Md.	8.4	7.9	9.7	9.4	10.6
Va.	15.7	15.3	21.3	20.5	21.5
N.C.	7.7	8.6	9.4	10.3	9.9
S.C.	3.0	4.0	5.9	6.9	7.4
Total	**99.9**	**99.9**	**100.1**	**99.9**	**100.1**

[a] Pennsylvania and Delaware were combined in the 1774 estimate. Source: computed from Table Z-19, *The Statistical History of the United States from the Colonial Times to the Present* (Stamford, Conn., n.d.), p. 756; Dexter, ed., *Stiles Diary,* I, 486.

or Province shall have one Vote. – The Congress not being possess'd of or at present able to procure proper materials for ascertaining the importance of each Colony."[61] Later the Congress recognized the prominence of Virginia, Massachusetts and Pennsylvania by assigning each an additional member on the committee to state the rights of the colonies.[62]

Although the Congress intended the explanation attached to the resolution on voting "to prevent its being drawn into precedent in future," the decision of 6 September in fact determined the shape of intercolonial and interstate relations in the Congress for years to come.[63] Equality remained the basis for voting under the Articles of Confederation and survived in the Senate under the Constitution. In retrospect it is difficult to see what other course the deputies could have taken. The very nature of the Congress as a conference of discrete entities all but demanded equality. The constitutional arguments of the more progressive political thinkers also suggested equality in a two-fold way: if the empire consisted of independent legislative units, including Great Britain with its Parliament, bound together by a common king, then each jurisdiction had to have an equal voice in any joint deliberations, and no new supreme or even dominant authority could logically be substituted for the repudiated Parliament. Finally, the many mutual suspicions, jealousies and fears inhibited the trust implied in inequality. Despite the impassioned plea of Henry, to perhaps most colonists it was not the case that "All America is all thrown into one Mass."[64]

With this most difficult procedural problem settled, the delegates addressed themselves to other organizational matters. They agreed that no one should speak twice on the same point without permission, that no issue should be determined on the day of its first discussion if any colony sought postponement, and that the proceedings be kept secret "untill the Majority shall direct them to be made public."[65] To the historian's occasional dismay, the deputies, as men of honor, respected this last rule with extraordinary fidelity, and "Their Deliberations do not perspire but in a small

61. PCC: Journal, I, 15; Ford, ed., *Journals,* I, 25.

62. PCC: Journal, I, 30-31; Ford, ed., *Journals,* I, 41.

63. Silas Deane, Eliphalet Dyer and Roger Sherman to Jonathan Trumbull, Philadelphia, 10 October 1774, Trumbull Papers, Connecticut State Library; printed in Burnett, ed., *Letters,* I, 69.

64. Butterfield, ed., *Adams Diary,* II, 126.

65. PCC: Journal, I, 16; Ford, ed., *Journals,* I, 26.

degree."[66] Given the intense parochialism of the provinces and the consensual nature of enforcement, secrecy had the same function as unanimity in emphasizing agreement and denigrating differences. In addition, Henry reminded the deputies of the embarrassment caused the Stamp Act Congress when "one of the Members had dispatched Intelligence of an important matter to a great person in America while it was under Debate. . . ."[67]

More importantly, on 6 September the Congress created two committees. The first, established by a unanimous vote, had the responsibility of stating "the rights of the Colonies in general, the several instances in which these rights are violated or infringed and the means most proper to be pursued for obtaining a restoration of them."[68] This committee thus bore the burden of formulating a statement of constitutional principle which could find acceptance in all quarters and was the most significant body in the Congress. The deputies charged the second committee with examining and reporting on "the several Statutes which affect the trade and Manufactures of the Colonies."[69] Inasmuch as the empire and its policy revolved primarily around commerce, this committee too could have been of considerable consequence; however, in the end its functions became subordinate to the other committee's. The Congress deferred appointing members to these two groups until the next day and continued with its basic organization.

The discussion of these routine matters was interrupted by the arrival of an express for the New Jersey delegation at about two o'clock in the afternoon.[70] Bearing dispatches sent by Israel Putnam, the rider brought "a confused account, but an alarming one indeed," that on 1 September British troops had seized the powder at Charlestown, had killed six inhabitants, had bombarded Boston and that "all the

66. James Tilghman to Henry Wilmot, Philadelphia, 2 October 1774, "Original Letters and Documents," *Pennsylvania Magazine of History and Biography,* VI (1882), 359. Tilghman went on, "One of my Brothers [Matthew Tilghman], the Speaker of the Maryland Assembly, is of this Congress and Lodges with me, and yet I know nothing of what's going. He can neither Divulge, nor I enquire, consistent with the principles of honour."

67. Duane, Notes, 6 September 1774, Burnett, ed., *Letters,* I, 14.

68. PCC: Journal, I, 16; Ford, ed., *Journals,* I, 26.

69. PCC: Journal, I, 16; Ford, ed., *Journals,* I, 26.

70. Ward, ed., "Ward Diary," *Magazine of American History,* I, 440; Duane, Notes, 6 September 1774, Burnett, ed., *Letters,* I, 13. Presumably the use of riders in relay, with the last leg's being in New Jersey, explains why the express went to the New Jersey delegation.

Country was in arms down to [blank] in Connecticut. . . ."[71] After "waiting with the Utmost Anxiety and Impatience, for further Intelligence" for two days, the Congress learned on the eighth that the first reports had been greatly exaggerated and that no blood had been shed. In the meanwhile, "Our Deliberations are grave and serious indeed," and many talked of "WAR! WAR! WAR!"[72]

Perhaps it was the receipt of this startling report that prompted Thomas Cushing to propose that the Congress begin its meetings in prayer.[73] Again disagreement ensued, and Jay and Edward Rutledge claimed "we were so divided in religious Sentiments, some Episcopalians, some Quakers, some Aanabaptists, some Presbyterians and some Congregationalists, so that We could not join in the same Act of Worship." Samuel Adams, a very religious as well as a very political man, "arose and said he was no Bigot, and could hear a Prayer from a Gentleman of Piety and Virtue, who was at the same Time a Friend to his Country"; he then nominated an Anglican divine of the city, the Reverend Jacob Duché.[74] The Congress approved and Duché accepted the invitation. With the appointment of Duché, the deputies adjourned until five o'clock, doubtless to consider the consequences of the news from Boston.[75]

Although neither the false rumor nor the selection of Duché possesses any particular significance in and for itself, they both reveal the atmosphere in the Congress and the city. The report from Boston shocked Philadelphia where confusion reigned,

71. Robert Treat Paine, Diary, Massachusetts Historical Society, quoted in Butterfield, ed., *Adams Diary,* II, 124, n.; Butterfield, ed., *Adams Diary,* II, 124; Duane, Notes, 6 September 1774, Burnett, ed., *Letters,* I, 13.

72. John Adams to Abigail Adams, Philadelphia, 8 September 1774 and 18 September 1774, Butterfield, ed., *Adams Correspondence,* I, 150, 159; Butterfield, ed., *Adams Diary,* II, 127.

    For Governor Thomas Gage's account of this incident, see his letter to the Earl of Dartmouth, Boston, 3 September 1774, Clarence E. Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State, and with the War Office and the Treasury, 1763-1775,* 2 vols. (New Haven, 1931-1933), I, 372-373. For an excellent contemporary attempt to trace the progress of the rumor, see Dexter, ed., *Stiles Diary,* I, 457, 476-485.

73. This is only a supposition based primarily on the fact that Duché's selection took place immediately before the Congress's mid-afternoon recess on 6 September; presumably the appointment occurred in the hour between the receipt of the news from Boston and that short adjournment.

74. John Adams to Abigail Adams, Philadelphia, 16 September 1774, Butterfield, ed., *Adams Correspondence,* I, 156.

75. PCC: Journal, I, 16; the Ford edition (*Journals,* I, 26-27) contains no mention of the recess.

"all the bells toll muffled, and the most unfeigned marks of sorrow appear in every countenance."[76] In and out of the Congress the message produced a much needed sense of unity, so much so that "every Gentleman seems to consider the Bombardment of Boston, as the Bombardment, of the Capital of his own Province."[77] Suddenly men extended sympathy not distrust to the Bay and its representatives, an alteration in sentiment which would later prove useful. This affair also indicates the importance of the interaction between the Congress and the colonies, especially Massachusetts. More than once during the conference's seven and a half weeks of meetings, dispatches from the provinces effected change in the direction of its deliberations; conversely, the publication of various Congressional resolutions stimulated the dominions to action, reassured the people of the Congress's determination and unanimity, and prepared the country for a firm stand against Great Britain.

Samuel Adams's efforts to have the Reverend Mr. Duché named had a related purpose. The rigid Congregationalist's support of the Anglican priest rested on more than "Piety and Virtue." Adams knew that "many of our warmest friends are members of the Church of England," and he "thought it prudent, as well on that as some other accounts to move that the service should be performed by a clergyman of that denomination."[78] Again, the themes of compromise and unity appear. Moreover, Adams's gesture did much to remove the troublesome suspicion of Massachusetts. As Joseph Reed told the Adamses, "We never were guilty of a more Masterly Stroke of Policy, than in moving that Mr. Duchè might read Prayers, it has had a very good Effect, &c. He says the Sentiments of People here, are growing more and more favourable every day."[79] If Samuel Adams "was no Bigot," perhaps he was no republican either; if the Bay Congregationalists did not seek to impose their theology on the men from west of the Hudson, perhaps they planned no other domination of the Congress.

Upon reassembling at five o'clock, the delegates welcomed a new arrival, Thomas Johnson of Maryland, and accepted the offer from the Library Company of "the use of

76. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 173.

77. John Adams to Abigail Adams, Philadelphia, 8 September 1774, Butterfield, ed., *Adams Correspondence,* I, 150.

78. Samuel Adams to Joseph Warren [9 September 1774], Burnett, ed., *Letters,* I, 26-27.

79. Butterfield, ed., *Adams Diary,* II, 131.

such Books as they may have occasion for during their sitting. . . ."[80] With that they adjourned for the day.

Amid fresh stories of the destruction of Boston, the Congress gathered in Carpenters' Hall for its third day. The Reverend Mr. Duché appeared "with his Clerk and in his Pontificallibus. . . ." From the Book of Common Prayer he read the Thirty-fifth Psalm, as appointed by the Anglican liturgy for the seventh day of the month. As he repeated the words of David, "Plead thou my cause, O Lord, with them that fight against me," John Adams "never saw a greater Effect upon an Audience. It seemed as if Heaven had ordained that Psalm to be read that Morning."[81] Indeed, Samuel Adams himself could not have made a more apt choice than the ecclesiastics of Elizabeth I had:

> 4 Let them be confounded, and put to shame that seek after my soul: let them be turned back, and brought to confusion, that imagine mischief for me.
> . . . .
> 11 False witnesses did rise up: they laid to my charge things that I knew not.
> . . . .
> 23 Awake, and stand up to judge my quarrel: avenge thou my cause, my God, and my Lord.
> 24 Judge me, O Lord my God, according to thy righteousness: and let them not triumph over me.
> . . . .
> 26 Let them be put to confusion and shame together, that rejoice at my trouble: let them be clothed with rebuke and dishonour, that boast themselves against me.
> 27 Let them be glad and rejoice, that favour my righteous dealing: yea, let them say alway, Blessed be the Lord, who hath pleasure in the prosperity of his servant.
> 28 And as for my tongue, it shall be talking of thy righteousness: and of thy praise all the day long.

In addition to this psalm and several set prayers, Duché offered an extemporaneous prayer "for America, for the Congress, for the Province of Massachusetts Bay, and

80. PCC: Journal, I, 16-17; Ford, ed., *Journals,* I, 27.

81. John Adams to Abigail Adams, Philadelphia, 16 September 1774, Butterfield, ed., *Adams Correspondence,* I, 156.

especially for the Town of Boston."[82] Like the psalm, it stirred the delegates, particularly the New Englanders. Ward described it as "one of the most sublime, catholic, well-adapted prayers I ever heard."[83] Deane found "it was worth riding one hundred miles to hear," and noticed that Duché prayed "about ten minutes, so pertinently, with such fervancy, purity, and sublimity of style and sentiment, and with such apparent sensibility of the scenes and business before us, that even Quakers shed tears."[84] And John Adams had to "confess I never heard a better Prayer or one, so well pronounced" – even though by an Anglican.[85]

Having voted Mr. Duché its thanks, the Congress went on with its organization. The composition of the important committee to state the rights of the colonies resurrected the most trying issue of the first two days, voting. Lynch, who had favored a form of proportional representation in the general deliberations, now advocated "that the Appointment [to the committee] might be made out of the Members at large without Regard to Colonies, aledging that in this way the Gentlemen who had made this point their study and were best qualified woud be fixed upon." Inasmuch as this committee bore the responsibility for preparing the fundamental policy position and statement for the Congress, Lynch's mode of naming its members would perhaps have operated to nullify the previous day's decision to give each province an equal voice. To be sure, the entire body could modify or reject the committee's recommendations; however, the advantage of initiative laid with the committee. Thus if men from the more populous and wealthier plantations filled the majority of the places on the committee, they would gain a commensurately larger influence in the Congress itself. Opponents of the proposal pointed out "the difficulty of knowing who possessed this Qualification in the highest degree" and the differences in the rights of the chartered

82. John Adams to Abigail Adams, Philadelphia, 16 September 1774, Butterfield, ed., *Adams Correspondence,* I, 156.

    Internal evidence, including references to sustained war and the omission of any specific mention of Massachusetts or Boston, suggests that the printed text of "The First Prayer in Congress" by Duché was offered at the first session of the Second Continental Congress, not at the First Continental Congress. This edition was published in the nineteenth century as a "historical curiosity" by J. Childs of Philadelphia from "Thatcher's Military Journal" (Independence National Historical Park microfilm, roll 1).

83. Ward, ed., "Ward Diary," *Magazine of American History,* I, 440.

84. To Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 174.

85. To Abigail Adams, Philadelphia, 16 September 1774, Butterfield, ed., *Adams Correspondence,* I, 156.

colonies "which must be best known to their respective Representatives. . . ."[86] The Congress defeated Lynch's motion and agreed that the committee should "consist of two from each of the Colonies. . . ."[87] It also determined that one deputy from each dominion should sit on the committee on the statutes involving trade and manufactures.[88]

The Congress left the actual nomination of committee members to the individual delegations.[89] Like so much else in the preliminary local meetings of the spring and summer of 1774 and in the Congress, the men selected indicate a striving for balance, breadth and talent. In addition, it affords a measure of which deputies enjoyed the particular esteem of their colleagues and were regarded as the leaders. With but two representatives each, New Hampshire and Rhode Island took Hobson's choice, John Sullivan and Nathaniel Folsom, Stephen Hopkins and Samuel Ward. Just as the Massachusetts General Court had walked no factional tightrope in electing spokesmen to the Congress, its deputies naturally fell upon its two strongest men for the first committee, Samuel and John Adams.[90] The three Connecticut Yankees picked their two older, more experienced men, Roger Sherman and Eliphalet Dyer, but in view of the colony's internal politics it may not have been meaningless that one came from the west, the other from the east.[91] New York's John Jay and James Duane reflected the reluctance of that province's delegates to adopt an aggressive stand against the mother country.[92] As its most prominent Whig, William Livingston clearly deserved a place for New Jersey, whose deputies paired him with John DeHart. In Joseph Galloway and Edward Biddle both the conservative and progressive wings of the movement in Pennsylvania received a vote in the committee.[93] The sectional jealousies in Delaware perhaps appear in the appointment of Newcastle's Thomas McKean and Kent's Caesar

86. Duane, Notes, 7 September 1774, Burnett, ed., *Letters,* I, 16.

87. PCC: Journal, I, 17; Ford, ed., *Journals,* I, 27-28.

88. PCC: Journal, I, 18; Ford, ed., *Journals,* I, 29.

89. Duane, Notes, 7 September 1774, Burnett, ed., *Letters,* I, 16.

90. See above, ch. 3, pp. 64-65.

91. See above, ch. 3, pp. 61-63.

92. See above, ch. 3, pp. 85-89.

93. See above, ch. 3, pp. 65-70. John Dickinson did not yet sit in the Congress for Pennsylvania.

Rodney.[94] The Marylanders co-opted Thomas Johnson and Robert Goldsborough. Almost the whole complex of local divisions is seen in Virginia's two committeemen Edmund Pendleton and Richard Henry Lee.[95] The South Carolinians matched Thomas Lynch, who apparently had been working with the Adamses, with John Rutledge, who sometimes allied himself with Galloway and Duane. When the North Carolina representatives arrived on 14 September, they added William Hooper and Joseph Hewes to the committee. Later the Congress took cognizance of the importance of Massachusetts, Virginia and Pennsylvania by granting them each a third member; Thomas Cushing, Patrick Henry and Thomas Mifflin filled these extra seats.[96]

While the delegates responded almost instinctively to the politics of the committee's composition, they also looked to training and experience. Of the twenty-four original members, twenty knew the law and the constitution as practicing lawyers, sitting judges, or former provincial governors. And two of them had served as deputy attorneys general, one as attorney general. Only two merchants and two planters joined in the committee's deliberations which primarily concerned legal and constitutional problems. Five of the twenty-four, including one of the planters, had learned something of intercolonial conferences and united assertions of rights at the Stamp Act Congress in 1765. The expansion of the committee to twenty-seven brought to it two more merchants and another lawyer. As a body, they were eminently well qualified to undertake the task of defining America's conception of a rightful constitutional relationship with Great Britain.

On 7 September, the Congress also approved the appointment of eleven men to the smaller committee. It selected John Sullivan of New Hampshire, Thomas Cushing of Massachusetts, Stephen Hopkins of Rhode Island, Silas Deane of Connecticut, Isaac Low of New York, James Kinsey of New Jersey, Thomas Mifflin of Pennsylvania, George Read of Delaware, Samuel Chase of Maryland, Patrick Henry of Virginia and Christopher Gadsden of South Carolina.[97] Upon the late appearance of the North Carolinians, William Hooper occupied the twelfth place on the committee.[98] The small size of this committee inhibits discernment of the operation of provincial politics in its

94. See above, ch. 3, pp. 78-80.

95. See above, ch. 3, pp. 80-82.

96. The names of the committee members are to be found in PCC: Journal, I, 18, 20, 30-31; Ford, ed., *Journals,* I, 28, 31, 41.

97. PCC: Journal, I, 18; Ford, ed., *Journals,* I, 29.

98. PCC: Journal, I, 20-21; Ford, ed., *Journals,* I, 31.

personnel. Nevertheless, it is possible to see something of the way in which it was formed. Two plantations, Connecticut and Delaware, with three member delegations simply named the third man. North Carolina did not adopt this course, recommending Richard Caswell for neither committee; this possibly stemmed from the hatred westerners of that province held for him.[99] Again, professional experience seems to have played an important part in singling out men for this committee on the statutes affecting trade and manufactures. Four of its number were merchants, another combined commerce with the law, six were lawyers, and one had been governor of Rhode Island. Only one of the twelve, Christopher Gadsden, had gone to the Stamp Act Congress. It was, then, a group with a special competence to consider the legal implications of commercial issues.

Although complicated by a variety of internal circumstances and the size of the several delegations, the appointments to these two committees do afford an index of the stature of the fifty-six men in 1774. For the most part, each deputation named to the committees, particularly the first one, its most prominent, active and well-known members. Furthermore, the committeemen proved to have the most staying power as the crisis with the mother country worsened, broke out into war and ended in independence. From these two committees came eleven signers of the Declaration of Independence, three general officers of the Continental Army, three presidents of the Continental Congress, nine state governors or presidents, five delegates to the Constitutional Convention, one president of the United States, one vice president of the United States, two United States district judges, two associate justices and two chief justices of the Supreme Court, and three United States senators. By way of contrast, but two, Galloway and Low, deserted the cause entirely, and only one man who later achieved major rank did not have a committee assignment, the reticent, even shy Washington. Conversely, virtually all of the men who did not serve on a committee remained relatively obscure.[100] A list by Ezra Stiles of the "Cardinals of this Body [the Congress] or the men of greatest Abilities and Influence" offers contemporary confirmation of this appraisal. Of the fourteen deputies named by Stiles, seven sat on the first committee and two on the second. He also drew arrows before five of his entries to signify their still greater importance; three of these were on the committees and another was Peyton Randolph, the President, who held no committee position.[101]

99. See above, ch. 3, p. 84.

100. For the later governmental service of the members of the Congress at large, see above, ch. 3, pp. 99-101, and Tables I-1, I-2, J-1, J-2, pp. 117-122.

101. Dexter, ed., *Stiles Diary,* I, 459. Stiles listed the two Adamses, Hopkins, Ward, Deane, Tilghman, Bland, Randolph, Lee, Gadsden, Lynch, Middleton and the two Rutledges. He thought Samuel Adams, Ward, Randolph, Bland and Gadsden most influential.

Very little remained to complete the organization of the Congress. The delegates ordered the employment of Isaac Lefevre and James Lynch to act as doorkeepers and messengers.[102] They then authorized Randolph to "adjourn the Congress from day to day when he finds there is no business prepared to be laid before them" and to call them together whenever necessary.[103] This enabled the committees to carry on their work without delay.

Upon the adjournment of the Congress for the day, each committee met to select a chairman and a clerk. The factional alignment of 5 September broke again as James Duane nominated Thomas Lynch to preside over the larger committee. Lynch declined and, in yet another violation of party divisions, recommended Stephen Hopkins "who was unanimously approved. . . ." For its clerk, the committee picked Charles Thomson.[104] Unfortunately, none of the more conscientious and voluble diarists served on the second committee, and no record remains of its chairman, scribe or deliberations.

From determining a method of voting to appointing doorkeepers, the deputies to the Congress accomplished much in their first three days. Over almost sinful feasts of "Ducks, Hams, Chickens, Beef, Pigg, Tarts, Creams, Custards, Gellies, fools, Trifles, floating Islands, Beer, Porter, Punch, Wine and a long &c." these men, most of whom were strangers before Philadelphia, became acquainted and sized up one another.[105] This in itself constituted no mean achievement. In and out of Carpenters' Hall with its "long Entry, where Gentlemen may walk," they negotiated their ploys and compromises and established their alliances, however fleeting.[106] Coming from dissimilar backgrounds and representing markedly different interests, they could take nothing for granted. The big debate on voting was only the most dramatic and perhaps the most divisive question. In order to proceed they had to accommodate themselves to a variety of customs and habits. To the slight annoyance of their more casual colleagues, the Sabbatarian New Englanders "declined doing any business on Sunday"

102. PCC: Journal, I, 18; Ford, ed., *Journals,* I, 29.

103. PCC: Journal, I, 19; Ford, ed., *Journals,* I, 29.

104. Duane, Notes, 7 September 1774, Burnett, ed., *Letters,* I, 17.

105. Butterfield, ed., *Adams Diary,* II, 126-127.

106. Butterfield, ed., *Adams Diary,* II, 122.

which meant a prolonged stay in Philadelphia.[107] On the other hand, the "Southern Gentlemen have been used to do no Business in afternoon so that We rise about 2 or 3 o'Clock & set no more that Day. . . ."[108] All this and more the deputies settled in three days, and they did it in the face of rumors of bloodshed at Boston, personal and provincial distrust and countless rivalries and jealousies. That they were willing to suppress their parochialism and idiosyncracies provides ample testimony to the seriousness of the conflict with Great Britain and the wisdom of the assemblies, conventions and irregular meetings in selecting these particular men.

With these three days behind them, the delegates in full Congress and in committee were at last ready to get on with the problem of confronting the mother country and of building a base for American unity.

107. George Read to Gertrude Read, Philadelphia, 24 October 1774, American Revolutionary Bicentennial Office transcript from George Read Photostats, Revolutionary Collection, Maryland Historical Society.

108. Samuel Ward to his children, Philadelphia, 7 September 1774, Ward Papers, Rhode Island Historical Society.

CHAPTER 5

"Nibbling and Quibbling"

Organized as a Congress during the first three days of their sessions and at least acquainted as men since they began to arrive in Philadelphia in the middle of August, the delegates plunged without pause into the substantive work of the conference.[1] Perhaps stimulated rather than diverted by the alarming reports of bloodshed at Boston, the two committees appointed on 7 September held their first meetings the next morning. Sitting in committee for ten whole and three half days and in full Congress for thirty entire and three half days, the representatives from twelve British North American provinces suppressed many of their differences and produced six formal documents and three letters which asserted the colonial constitutional position, sought redress of grievances, solicited the support of other people in the empire and, most importantly, laid the foundation for American union and government.

On 8 September both the committee to state the rights of the colonies and the committee to study the Parliamentary statutes affecting trade and manufactures met. With Stephen Hopkins in the chair, the first committee, composed of two deputies from each province, engaged in "a most ingenious, entertaining Debate" about the basis for America's rights.[2] The men who took the larger, less legalistic view followed the lead of Richard Henry Lee in asserting that the plantations derived their rights from the British constitution, the charters, "immemorial Usage," and natural law. No one disputed the validity of the first three points which had an acknowledged and definable status in British law. The fourth, however, caused trouble, for it could yield, particularly in the hands of the "real Whigs," an extraordinarily expansive conception of American liberties, including the rejection of the hallowed Trade and Navigation Acts as a "Capital Violation."[3] The proponents of natural rights claimed that the colonial experience, with crown approval, already went beyond the British constitution. John Jay thought that "It is necessary to recur to the Law of Nature," because the "Constitution of G.B. will not apply to some of the Charter Rights" which several English monarchs had bestowed on the colonists. To this Lee added that "It is contended that the Crown had no Right to grant such Charters as it has to the

1. For the arrival dates of the delegates, see Table A, pp. 196-198.

2. L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 127.

3. Butterfield, ed., *Adams Diary,* II, 128. On the significance of the "real Whigs," see above, ch. 1, pp. 10-11 and ch. 2, pp. 30-31.

Colonies – and therefore We shall rest our Rights on a feeble foundation, if we rest em only on Charters – ." And others enumerated specific instances of the disjunction between purely English principles and accepted provincial practices. To Lee, Jay, Roger Sherman and William Livingston, all this required reliance on natural rights as well as the charters, constitution and common law; indeed, Sherman maintained that "The Colonies adopt the common Law, not as the common Law, but as the highest Reason," or natural law.[4]

Some delegates wished to predicate American rights only on recognized legal doctrine. John Rutledge did not even attempt to demonstrate his position; he merely asserted that "Our Claims I think are well founded on the british Constitution, and not the Law of Nature."[5] Both James Duane and Joseph Galloway tried to eliminate natural rights with reasoned constitutional arguments and both came perilously close to denying the authority of Parliament. Neither, however, could accept the idea of divided sovereignty or of federated empire and strove to discover a method whereby Parliament could retain a superintending power "without the Danger of their pleading a Right *to bind us in all Cases whatsoever.*"[6] Duane sought a solution in allegiance to the King, acknowledgment of Parliament's right to regulate commerce, the shared privileges of the common law, the guarantees of the charters, and provincial control of internal polity and taxation.[7] Galloway "looked for our Rights in the Laws of Nature – but could not find them in a State of Nature, but always in a State of political Society," which he equated with "the Constitution of the English Government. . . ." Even this, he knew, "tend[s] to an Independency of the Colonies, and militate[s] against the Maxim that there must be some absolute Power to draw together all the Wills and strength of the Empire."[8] Galloway had already formulated and later proposed a plan of legislative union between the dominions and the mother

4. Butterfield, ed., *Adams Diary,* II, 128-129.

5. Butterfield, ed., *Adams Diary,* II, 128.

6. James Duane, Propositions before the Committee on Rights [7-22 September 1774], Edmund C. Burnett, ed., *Letters of Members of the Continental Congress,* 8 vols. (Gloucester, Mass., 1963), I, 38. The exact date of the presentation of these propositions to the committee cannot be determined; however, they have a consistency throughout and conform in general principles to Adams's notes on Duane's position of 8 September (Butterfield, ed., *Adams Diary,* II, 129).

7. Duane, Propositions [7-22 September], Burnett, ed., *Letters,* I, 40-44; Butterfield, ed., *Adams Diary,* II, 129.

8. Butterfield, ed., *Adams Diary,* II, 129-130.

country to preserve both unified sovereignty and colonial liberties at one and the same time.[9]

Rutledge, Duane and Galloway confronted an awkward dilemma. They agreed with their more aggressive colleagues that the existing Anglo-American relationship had produced abuses and had to be new modeled. They could not, however, transcend orthodox political theory and the belief in the need for some supreme, unified authority in every political entity, including the empire. They could not – or would not – comprehend the notions of federated power which had grown out of the American experience of the preceding 150 years and which had been increasingly articulated for the last decade. Such a commitment precluded the espousal of natural law which they feared could justify "rearing the most wild and chimerical superstructures."[10] In addition to being out of touch with the more advanced thought of their compatriots, they lacked support for their stance in the ministry which in 1774 insisted upon the complete subordination of the colonies to Parliament.

On 9 September the advocates of the inclusion of natural law, "the broadest Bottom," won the vote in committee which "agreed to found our rights upon the laws of Nature, the principles of the English Constitution, and charters and compacts. . . ."[11] It also appointed a subcommittee to prepare a statement of these rights. Except for John Adams, Samuel Ward and John Rutledge, the membership of

9. [Joseph Galloway] to William Franklin [Trevose], 3 September 1774, W. A. Whitehead, *et al.*, eds., *Archives of the State of New Jersey,* 1st series: *Documents Relating to the Colonial History of the State of New Jersey,* 42 vols. (Newark and Trenton, 1880-1949), X, 476-477; see also Joseph Galloway, *Arguments on Both Sides in the Dispute between Great-Britain and her Colonies: In which those in Favor of the Power of Parliament to bind the Colonies are stated and answered, and the Rights of the Colonists explained and asserted on new and just Principles. By a Sincere Friend to both Countries. To which is added Lord N 's Political Creed with respect to America,* Whitehead, *et al.*, eds., *Archives of New Jersey,* 1st series, X, 478-494. This pamphlet is a full explication of his argument in committee on 8 September 1774.

10. [Joseph Galloway], *A Candid Examination of the Mutual Claims of Great-Britain and the Colonies: with a Plan of Accommodation on Constitutional Principles* (London, 1780), p. 8.

11. Butterfield, ed., *Adams Diary,* II, 128; John Ward, ed., "Diary of Governor Samuel Ward, Delegate from Rhode Island in Continental Congress, 1774-1776," *The Magazine of American History,* I (1877), 440.

this subcommittee is unknown.[12] Without delay, it met and "went on with the business."[13] The subcommittee apparently had little difficulty in concurring on every issue save one, the authority of Parliament "which was indeed the Essence of the whole Controversy."[14] Finally, John Rutledge suggested that John Adams draft that article. Adams's work pleased no one completely, but they sent it and the rest of the report to the parent committee on 14 September which subjected the whole to debate again until 22 September when it was submitted to the Congress. Also on 14 September the committee named another subcommittee to "state the infringement of our rights."[15]

As the "Grand Committee" and its subcommittee wrestled with these problems, President Randolph adjourned the Congress from day to day until 14 September. Then it received several recently arrived delegates from New York, Pennsylvania and North Carolina and a set of resolutions from Middlesex County, Massachusetts, which that province's representatives presented to the Congress.[16] Adopted at a meeting of the committees "from every town and district" in Middlesex on 30 and 31 August by a vote of 146 to four, these resolutions confirmed the people's allegiance to George III and denounced Parliament for its violation of the Bay's charter in the Massachusetts Government Act. They listed the specific breaches of the charter in this law which "is an artful, deep laid plan of oppression and despotism" and prescribed a program of adherence to the unaltered charter. The county deputies determined to obey only officers commissioned before 1 July even though Governor Thomas Gage might revoke these commissions; acceptance by those officers of authority from Gage under the new law meant forfeiture of place to the meeting. They then condemned the Inferior Court of Common Pleas and the Court of General Sessions of the Peace for Middlesex and

12. Butterfield, ed., *Adams Diary,* III, 309; Ward, ed., "Ward Diary," *Magazine of American History,* I, 440.

13. Ward, ed., "Ward Diary," *Magazine of American History,* I, 440.

14. Butterfield, ed., *Adams Diary,* III, 309.

15. Ward, ed., "Ward Diary," *Magazine of American History,* I, 440-441; Butterfield, ed., *Adams Diary,* III, 309-310; National Archives and Records Service, Records of the Continental and Confederation Congresses and the Constitutional Convention, Record Group 360, Item 1: Rough Journals, 1774-1789, I: 1774, 31; Worthington C. Ford, *et al.,* eds., *Journals of the Continental Congress, 1774-1789,* 34 vols. (Washington, 1904-1937), I, 42.
On the method of citing the Journal in this study, see above, ch. 3, p. 62, fn. 5.

16. PCC: Journal, I, 19-21; Ford, ed., *Journals,* I, 29-31.

urged everyone to ignore all actions of these courts.[17] Beyond hearing these resolutions, the Congress made no official response to them; however, the significance of the interruption of a local agency of government and of the fragility of chartered rights could not have been lost on the delegates who received the Middlesex Resolves "with high Applause."[18]

From Wednesday, 14 September, to Saturday, 17 September, Randolph again adjourned the Congress from day to day, and the full committee on rights continued its work "till it became an Object of Jealousy to all the other Members of Congress."[19] More than formal deliberations and "Jealousy" occupied the delegates during these days, indeed during the entire seven and one half weeks of the Congress. For many, this was their first visit to the largest city in British North America and there was much to see and do. Despite the heat, men visited the markets and compared the local produce with that of their native provinces.[20] Pennsylvania Hospital, Christ Church, the Falls of the Schuylkill, the State House, the museum at St. David's, St. Mary's Roman Catholic Church, Quaker meetings, Presbyterian, Methodist and Baptist churches, the Bettering House, St. Peter's, and the unfinished Walnut Street Jail, they missed little.[21] Although the "Uniformity of this City is disagreable to some," John Adams liked it, but Eliphalet Dyer, "who is the worst Man in the world at recollecting

17. Peter Force, ed., *American Archives,* 4th series: *Containing a Documentary History of the English Colonies in North America, from the King's Message to Parliament, of March 7, 1774, to the Declaration of Independence,* 6 vols. (Washington, 1837-1846), I, 750-752.

18. Samuel Adams to the Committee of Correspondence of Boston, Philadelphia, 14 September 1774, Harry Alonzo Cushing, ed., *The Writings of Samuel Adams,* 4 vols. (New York, 1968), III, 154.

19. Butterfield, ed., *Adams Diary,* III, 309.

20. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Correspondence of Silas Deane, Delegate to the First and Second Congress at Philadelphia, 1774-1776, Collections* of the Connecticut Historical Society, II (1870), 167.

21. Butterfield, ed., *Adams Diary,* II, 116, 122, 132, 137, 146, 150, 156, 157; Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 170, 177, 178; John C. Fitzpatrick, ed., *The Diaries of George Washington, 1748-1799,* 4 vols. (Boston, 1925), II, 165-167.

streets, distances or stages," managed to get himself and Silas Deane lost.[22]

In addition, the delegates enjoyed or endured frequent and lavish dinners in the town houses of Philadelphia's gentry. John Adams described several such feasts, including one given by Chief Justice Benjamin Chew where he, the Virginians and "many others" consumed "Turttle, and every other Thing – Flummery, Jellies, Sweetmeats of 20 sorts, Trifles, Whip'd Syllabubbs, floating Islands, fools – &c., and then a Desert of Fruits, Raisins, Almonds, Pears, Peaches – Wines most excellent and admirable." Adams "drank Madeira at a great Rate and found no Inconvenience in it."[23] Perhaps, however, in the midst of all this sumptuousness, he derived particular satisfaction from the meal of salt fish which he provided for John Sullivan, Nathaniel Folsom and "several other Gentlemen."[24] During his fifty-two days in the city, George Washington, who was not one of the more prominent and active deputies, ate in his lodgings or in a tavern only thirteen times.[25] Costing an estimated £1000, "the greatest intertainment that ever was made in this City" took place on Friday, 16 September, at the State House where the members of the Congress and "a very large Company, composed of the Clergy, such genteel Strangers as happened to be in Town, and a Number of respectable Citizens, making in the Whole near 500," sat down to "plenty of every thing eatable and drinkable, and no scarcity of good humor and diversion."[26] After dinner, the gathering drank thirty-two loyal and patriotic toasts to

22. Butterfield, ed., *Adams Diary,* II, 136; Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 170-171.

23. Butterfield, ed., *Adams Diary,* II, 136.

24. Butterfield, ed., *Adams Diary,* II, 131.

25. Fitzpatrick, ed., *Washington Diaries,* II, 163-168.

26. Caesar Rodney to Thomas Rodney, Philadelphia, 12 September 1774, George Herbert Ryden, ed., *Letters to and from Caesar Rodney, 1756-1784* (Philadelphia, 1933), p. 48; *Virginia Gazette* (Purdie and Dixon), 6 October 1774; Silas Deane to Elizabeth Deane, Philadelphia, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 183.

the accompaniment of music and cannon.[27] The intensity of the social whirl made Silas Deane think that his wife "will begin to suspect we do nothing else, but I assure you it is hard work."[28]

Just what "hard work" the deputies performed over these dinners, at the evening sessions in their lodgings and in the taverns, and even over breakfasts can, for the most part, only be inferred. That most faithful diarist, John Adams, has left a record of some "Conversation upon the Practice of Law, in our different Provinces, but at last We got swallowed up, in Politicks, and the great Question of Parliamentary Jurisdiction," of "a very social, agreable and communicative Evening," and of discussions "about the Conduct of the Bostonian Merchants since the Year 1770, in importing Tea and paying the Duty."[29] The character of the conference and of the men attending it, however, lends plausibility to assumed connections between meetings outside Carpenters' Hall, decisions made in it, and the attitudes adopted by individual delegates. For example, it appears no coincidence that Washington, who along with other southerners may have thought the Bay men rash and whose ideas on the imperial relationship were somewhat vague, wrote a strong defense of Massachusetts not too

27. *Virginia Gazette* (Purdie and Dixon), 6 October 1774. The toasts included: "1. The KING. 2. The QUEEN. 3. The Duke of Gloucester. 4. The Prince of Wales and Royal Family. 5. Perpetual Union to the Colonies. 6. May the Colonies faithfully execute what the Congress shall wisely resolve. 7. The much injured Town of Boston, and Province of Massachusetts Bay. 8. May Great Britain be just, and America free. 9. No unconstitutional standing Armies. 10. May the Cloud which hangs over Great Britain and the Colonies burst only on the Heads of the present Ministry. 11. May every American hand down to Posterity, pure and untainted, the Liberty he has derived from his Ancestors. 12. May no Man enjoy Freedom who has not Spirit to defend it. 13. May the persecuted Genius of Liberty find a lasting Asylum in America. 14. May British Swords never be drawn in Defence of Tyranny. 15. The Arts and Manufactures of America. 16. Confusion to the Authors of the Canada Bill. 17. The Liberty of the Press. 18. A happy Reconciliation between Great Britain and her Colonies, on a constitutional Ground. 19. The virtuous Few in both Houses of Parliament. 20. The City of London. 21. Lord Chatham. 22. Lord Camden. 23. Bishop of St. Asaph. 24. Duke of Richmond. 25. Sir George Saville. 26. The Marquis of Rockingham. 27. Mr. Burke. 28. General Conway. 29. Mr. Dunning. 30. Mr. Sawbridge. 31. Dr. Franklin. 32. Mr. Hancock."

28. Philadelphia, 19 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 184.

29. Butterfield, ed., *Adams Diary,* II, 127, 131, 135. For other instances of concrete political conversations, see Butterfield, ed., *Adams Diary,* II, 115, 117-118, 120, 137, 140, 147, 151, 157.

long after spending the evening of 28 September "with the Boston Gentn." and Lee.[30] And presumably they did not omit from their discussions the plan of union put before the Congress earlier that day. Similarly, it may be supposed that when Adams dined with John Dickinson, Samuel Chase, William Paca, Isaac Low, Thomas Mifflin, Richard Penn and Charles Lee on 13 October, he solicited and counted votes for the Declaration of Rights which the Congress approved the next day.[31] Chance and a view of "a pretty, romantic place" did not bring Deane, Dyer, John Jay, William Livingston, Stephen Crane, William Floyd, William Hubbard, Jeremiah Wadsworth and others to the Falls of the Schuylkill almost simultaneously on the day before the Congress opened; there they met the ubiquitous friend of Galloway, Provost William Smith, "who you will begin to think by this time is everywhere, and indeed I think him a most extraordinary compound. . . ."[32] If Smith, in fact, rode out in the service of the Speaker, he was no match for the men going to and from the "grand, spacious, and elegant House" of Thomas Mifflin.[33] It also seems reasonable to suspect that John Adams had more on his mind than the "fine bowling Green" and "fine Turtle, and admirable Wine" at the Library Tavern when he joined "a dozen Gentlemen from the W. Indies and N. Carolina" there on 21 October, the day the Congress adopted its address to the people of Great Britain and its memorial to the inhabitants of the British colonies, and the day after it signed and ordered published the Association. Surely he and his colleagues had an interest in the response of the West Indians to the Congress's actions.[34] Unfortunately, the surviving evidence prohibits more than conjecture about the significance of these and other meetings; however, their number, composition and timeliness suggest the validity of that conjecture.

When next the full Congress assembled on 17 September, resolutions brought to Philadelphia from Suffolk County, Massachusetts, by Paul Revere the previous day

30. George Washington to George William Fairfax, Williamsburg, 10 June 1774; to Bryan Fairfax, Mount Vernon, 24 August 1774; to Captain Robert Mackenzie, Philadelphia, 9 October 1774, John C. Fitzpatrick, ed., *The Writings of George Washington from the Original Manuscript Sources, 1745-1799*, 39 vols. (Washington, 1931-1944), III, 224, 240-242, 247; Fitzpatrick, ed., *Washington Diaries*, II, 165; Butterfield, ed., *Adams Diary*, II, 140.

31. Butterfield, ed., *Adams Diary*, II, 151; PCC: Journal, I, 42; Ford, ed., *Journals*, I, 63.

32. Silas Deane to Elizabeth Deane, Philadelphia, 8 September 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 170.

33. See above, ch. 4, p. 125.

34. Butterfield, ed., *Adams Diary*, II, 155.

diverted its attention just as the Middlesex Resolves had on 14 September.[35] More than a little antagonized by Governor Gage's implementation of the Massachusetts Government Act, his use of troops to enforce the law and his fortification of Boston Neck, the Suffolk County Convention met on 6 September in Dedham and on 9 September in Milton and adopted a set of nineteen resolutions. With the premise that "the power but not the justice, the vengeance but not the wisdom of Great-Britain, which of old persecuted, scourged & exiled our fugitive parents from their native shores now pursues us," and threatened to impose an unconstitutional, military slavery upon them, the Suffolk deputies affirmed their allegiance to George III and the covenant which bound them to the King, and their determination to defend the liberties "for which many of our fathers fought bled and died. . . ." They also denounced the Coercive Acts as violations of "the laws of nature, the British constitution and the charter of the province," and denied any obligation to obey the offending statutes. Furthermore, they declared all courts which sat under the authority of the new laws to be unconstitutional, urged all tax collectors to withhold funds from the colonial treasury, and recommended that all councilors resign by 20 September. These resolves expressed alarm over Gage's military activities and over the Quebec Act which "is dangerous in an extreme to the protestant religion and to the civil rights & liberties of all America. . . ." To protect themselves against such "oppressions," they proposed that the people "acquaint themselves with the art of war as soon as possible," act "upon the defensive, so long as such conduct may be vindicated by reason & the principles of self preservation, but no longer," seize crown officials in retaliation for any arrests of patriot leaders, and boycott all British goods "with such additions, alterations & exceptions only as the General Congress of the colonies may agree to." In addition, the Convention encouraged "arts and manufactures among us," called for a provincial congress, promised to "pay all due respect & submission to such measures as may be recommended" by the Continental Congress, and directed that the inhabitants avoid "any routs riots or licentious attacks upon the properties of any person whatsoever. . . ." Finally, they prepared for the outbreak of hostilities by establishing a courier system to summon "sufficient assistance" for any town marched upon by British soldiers.[36]

Although only "high Applause" greeted the Middlesex Resolves, the Congress "most thoroughly approve the wisdom and fortitude with which opposition to these wicked ministerial measures has hitherto been conducted, and they earnestly recommend to their brethren, a perseverance in the same firm and temperate conduct as expressed in the resolutions" of Suffolk. The delegates ordered the Bay county's

35. Samuel Adams to Charles Chauncy, Phila delphia, 19 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 156.

36. PCC: Journal, I, 21-27; Ford, ed., *Journals,* I, 32-37.

resolves and their own endorsement of them published in the provincial newspapers. They also urged the continuation of contributions from the colonies to the closed port to alleviate "the distresses of our brethren at Boston. . . ."[37]

No one failed to perceive the import of the Congress's publicly sanctioning a declaration which called for the disruption of legally constituted government and the use of force if necessary. Galloway believed that "By this treasonable vote the foundation of military resistance throughout America was effectually laid," and he and James Duane entered a rigorous but futile dissent.[38] To Samuel Seabury of New York "this adopted brat of the congress" meant rebellion.[39] John Adams, however, regarded 17 September as "one of the happiest Days of my Life," one which convinced him "that America will support the Massachusetts or perish with her."[40] His kinsman Samuel Adams also saw in the decision a continental willingness to resort to war.[41] And Richard Henry Lee thought it a warning "that if Ministry have not their hearts hardened, as the Scripture has it, they will best consult the good of thei[r] Country and their own safety by a prudent and speedy reversal of their ill judged measures."[42] An astonished Joseph Reed concurred and sent word to Lord Dartmouth that "Unless some healing measures are speedily adopted, the Colonies will be wholly lost to England, or be preserved to her in such a manner as to be worse than useless for years

37. PCC: Journal, I, 30; Ford, ed., *Journals,* I, 39-40.

38. [Joseph Galloway], *Historical and Political Reflections on the Rise and Progress of the American Rebellion* (London, 1780), p. 69. Fear apparently kept other opponents silent. In his *Historical and Political Reflections* (p. 69), Galloway wrote that when the Suffolk Resolves were read, "Long and warm debates ensued between the parties. At this time the republican faction in Congress had provided a mob, ready to execute their secret orders. The cruel practice of tarring and feathering had been long since introduced. This lessened the firmness of some of the loyalists; the vote was put and carried."

39. *The Congress Canvassed: or, An Examination into the Conduct of the Delegates, &c. Addressed to the Merchants of New York,* in *Letters of a Westchester Farmer (1774-1775),* ed. Clarence H. Vance, *Publications* of the Westchester County Historical Society, VIII (1930), 82.

40. Butterfield, ed., *Adams Diary,* II, 134-135.

41. To Joseph Warren, Philadelphia, 25 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 159.

42. To William Lee, Philadelphia, 20 September 1774, James C. Ballagh, ed., *The Letters of Richard Henry Lee,* 2 vols. (New York, 1911-1914), I, 124.

to come."[43] Upon learning of the Congress's resolution, Governor Gage informed Dartmouth, "we dont expect much Good from their Deliberations."[44] Despite this consensus, after some reflection, John Adams was not completely satisfied; although all decried the treatment of Massachusetts, "when you ask the Question what is to be done? they answer Stand Still, bear, with Patience, if you come to a Rupture with the Troops all is lost. – Resuming the first Charter [of 1629], Absolute Indepen'cy &c are Ideas which Startle People here." He went on, "It seems to be the general opinion here that it is practicable for Us, in the Massachusetts to live wholly without a Legislature and Courts of Justice as long as will be necessary to obtain Relief."[45] But John Adams could not "Stand Still" and had too much regard for constitutional processes and social order "to live wholly without a Legislature and Courts of Justice."

Traditionally historians have interpreted the endorsement of the Suffolk Resolves as "a great victory for the radicals, for it committed the Congress to the radical plan of nonintercourse, and indirectly to a denial of the authority of Parliament."[46] In view of the extreme fragility of the coalitions within the Congress the ascription of the vote of 17 September to a radical faction seems tenuous.[47] More modestly, it reflects the subsidence of the suspicion of Massachusetts. This, in turn, may be attributed to the sympathy and alarm aroused by the report of the bombardment of Boston on 6 September, the reception of the Middlesex Resolves on 14 September and the adroit preparation of the Adamses. For the role of the Adamses, the evidence, although

43. Philadelphia, 25 September 1774, William B. Reed, *Life and Correspondence of Joseph Reed, Military Secretary to Washington, at Cambridge; Adjutant-General of the Continental Army; Member of the Congress of the United States; and President of the Executive Council of the State of Pennsylvania,* 2 vols. (Philadelphia, 1847), I, 79.

44. Boston, 3 October 1774, Clarence E. Carter, ed., *The Correspondence of General Thomas Gage with the Secretaries of State, and with the War Office and the Treasury, 1763-1775,* 2 vols. (New Haven, 1931-1933), I, 377.

45. To Joseph Palmer, Philadelphia, 26 September 1774, John S. H. Fogg, ed., "Letters of Signers of the Declaration of Independence, Military Men, and Others, During the Revolutionary War," *New England Historical and Genealogical Register,* XXX (1876), 306.

46. Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781* (Madison, 1962), p. 62. See also, for example, Edward Channing, *A History of the United States,* 6 vols. (New York, 1937), III, 146; Lynn Montross, *The Reluctant Rebels: The Story of the Continental Congress* (New York, 1950), pp. 49-50; Arthur M. Schlesinger, *The Colonial Merchants and the American Revolution, 1763-1776* (New York, 1957), pp. 412-413.

47. On faction, see above, ch. 4, pp. 128-133.

oblique, is highly suggestive. On 6 September, Samuel Adams, declaring himself "no Bigot," nominated a cleric of the Church of England, Jacob Duché, to offer prayers in the Congress; three days later he explained this as a prudent gesture toward the many Anglican delegates as well as on "some other accounts. . . ."[48] John Adams wrote more fully but no more directly on the day after the Congress's action on the Suffolk Resolves:

> We have a delicate Course to steer, between too much Activity and too much Insensibility, in our critical interested situation. I flatter myself however, that We shall conduct our Embassy in such a manner as to merit the Approbation of our Country [i.e., Massachusetts].
>
> It has taken Us much Time to get acquainted with the Tempers, Views, Characters, and Designs of Persons and to let them into the Circumstances of our Province. My dear do, intreat every Friend I have to write to me. Every line which comes from our Friends is greedily enquired after, and our Letters have done us vast service.[49]

The regular post and special messengers carried many such letters to and from Massachusetts and its deputies; indeed, to Galloway it appeared that "Continual expresses were employed between Philadelphia and Boston."[50] On 3 September William Tudor wrote to John Adams of the rapid disintegration of government in the Bay province and of the eagerness of the people "to have Recourse to the first Charter, or adopt some new Mode of Government." This, he thought, afforded "a favourable Opportunity . . . for claiming, resuming & maintaining the Rights of Mankind, for a thorough Discussion, Definition & Confirmation of them. Great Britain, by her despotic Edicts, have forced Us to the Alternative of either becoming Slaves, or recurring to the Principles of Nature for Protection." Having described the problem of virtual anarchy and having prescribed very limited solutions, Tudor put the ball into the Congress's court: "What, tell Us, Ye wise Men, what is to be done?"[51] Three weeks later Tudor reported to Adams about the suffering caused ordinary people by the

48. John Adams to Abigail Adams, Philadelphia, 16 September 1774, L. H. Butterfield, ed., *The Adams Papers: Adams Family Correspondence* (Cambridge, Mass., 1963-), I, 156; Samuel Adams to Joseph Warren [9 September 1774], Burnett, ed., *Letters*, I, 27. See also, above, ch. 4, pp. 140-141.

49. To Abigail Adams, Philadelphia, 18 September 1774, Butterfield, ed., *Adams Correspondence*, I, 158.

50. *Historical and Political Reflections*, p. 67.

51. Boston, 3 September 1774, Adams Papers (Microfilm), Massachusetts Historical Society, Pt. IV, 344: 15 January 1767-July 1775.

closure of the port and of their determination to persevere. An unemployed ship carpenter he met indignantly rejected submission, telling Tudor " 'I have yet some Pork & Meal, & when they are gone I will eat Clams. And after we have dugup all the Clam Banks, if the Congress will not let us fight, I will retreat to the Woods. I am always sure of Acorns.' What a Roman!"[52] Abigail Adams also kept her husband informed of "this Scene of perturbation, anxiety and distress" around Boston.[53] The Bay representatives not only solicited letters to do "us vast service," they also may have arranged in advance for them. Samuel Adams wrote north of his "waiting with great Impatience for a Letter from the Committee of Correspondence for the Town of Boston upon whose Wisdom and Judgment I very much rely" and told the committee of the "high Applause" accorded the resolutions of neighboring Middlesex.[54] Perhaps his "great Impatience" stemmed from his knowledge of what his friends, such as Joseph Warren, planned to propose to the Suffolk Convention. Finally, he apprised the Bostonians of the "jealousy in the minds of some, that we aim at total independency, not only of the mother-country, but of the colonies too" and urged that they remember this in their deliberations.[55] And so the letters flowed back and forth.[56]

52. William Tudor to John Adams, Boston, 26 September 1774, Adams Papers (Microfilm), Massachusetts Historical Society, Pt. IV, 344.

53. Braintree, 2 September 1774, Butterfield, ed., *Adams Correspondence, I, 146-147.*

54. To the Committee of Correspondence of Boston, Philadelphia, 14 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 154.

55. Samuel Adams to Joseph Warren, Philadelphia, 25 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 158.

56. In addition to the letters quoted, see William Tudor to John Adams, Boston, 17 September and 22 September 1774, Adams Papers (Microfilm), Massachusetts Historical Society, Pt. IV, 344; Abigail Adams to John Adams, Braintree, 14 September 1774; Boston, 22 September 1774; Braintree, 16 October 1774; Elizabeth Smith to John Adams, Wey[mouth], 14 October 1774, Butterfield, ed., *Adams Correspondence,* I, 151-152, 161-162, 168-169, 172-174; Samuel Adams to Joseph Warren, Philadelphia, September 1774; to Thomas Young, Philadelphia, 17 October 1774, Cushing, ed., *Writings of Samuel Adams,* III, 156-157, 162-163; Thomas Mumford to Silas Deane, Groton, 3 September 1774; Gurdon Saltonstall to Silas Deane, Wethersfield, 5 September 1774; Titus Hosmer to Silas Deane [Wethersfield, 4 September 1774]; Gurdon Saltonstall to the Connecticut delegates, Norwich, 8 September 1774; Samuel B. Webb to Silas Deane, Wethersfield, 10 October 1774; Simon Deane to Silas Deane, Rocky Hill, 15 October 1774, *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 147-161, 187-192; Samuel Swift to Thomas Cushing, 2 October 1774, *The Belknap Papers,* III, *Collections* of the Massachusetts Historical Society, 6th series, IV (1891), 54-56.

Except for John Adams's very general comment, there is no evidence for the use and effect of these letters among the delegates. Nevertheless, a reasonable reconstruction is possible. The reports of British military incursions and insults transformed the earlier distrust of Massachusetts into sympathy. Suffolk's resolution to remain on the defensive while preparing for the worst disabused many of the notion of Boston's rashness and yielded admiration for the city's "tried patience and fortitude" and its "firm and temperate conduct. . . ."[57] At the same time, letters such as Tudor's which made the military, judicial and administrative situation look desperate enhanced this impression of restraint, and his talk of "recurring to the Principles of Nature" or of adopting "some new Mode of Government" gave to the Suffolk Resolves an air of moderation by comparison. If the naming of Duché, the letters, and the Middlesex and Suffolk resolves were in fact all of a piece, it was a brilliant political achievement.

In addition to the organization and acumen of the Adamses, the many preliminary meetings of 1774 and the narrow range of options available to the Congress contributed to its approval of the Suffolk Resolves. From New Hampshire to South Carolina, town, county and provincial gatherings had already recommended the imposition of economic sanctions against the mother country, and several delegations arrived in Philadelphia with instructions to pursue just that course in seeking redress.[58] Within that context, Suffolk's call for nonintercourse could have seemed neither strange nor particularly radical to a majority in the Congress. Indeed, as Mifflin argued in debate on 26 September, "the Intention was known, of a Non Importation" to colonial merchants as early as 1 June 1774.[59] Furthermore, the alternatives laid down by the Suffolk Convention placed the less aggressive deputies in an awkward position: to reject the Resolves would be "basely [to] yield to voluntary Slavery," but to accept them would be "successfully [to] resist that unparalleled usurpation of unconstitutional power. . . ."[60] Few could deny the latter. From all this, it appears that careful planning, preparation and precedent, along with the right posing of the question, not faction, secured the endorsement by the Congress of the Suffolk Resolves.

57. Samuel Adams to Joseph Warren, Philadelphia, 25 September 1774, Cushing, ed., *Writings of Samuel Adams,* III, 158.

58. See above, ch. 2, pp. 47-55, 57; ch. 3, pp. 67, 73-74, 78, 79-80, 83, 84.

59. Butterfield, ed., *Adams Diary,* II, 137.

60. PCC: Journal, I, 22; Ford, ed., *Journals,* I, 32.

Inspired and stirred by the Suffolk Resolves, well-fed and entertained by the gentlemen of Philadelphia, the Congress returned to its routine on 19 September. Two weeks after their first meeting, the deputies read the report of the committee on statutes affecting trade and manufactures and referred it to the committee on the rights of the colonies which was expanded by the addition of Thomas Cushing, Patrick Henry and Thomas Mifflin.[61] The full Congress next assembled on 22 September at the request of this committee. As a consequence of the decision on the Suffolk Resolves and perhaps in anticipation of the committee's proposals, the delegates agreed unanimously to ask America's traders "not to send to Great-Britain any orders for goods and to direct the execution of all orders already sent to be delayed or suspended until the sense of the Congress . . . is made public." They also ordered this resolution printed in the newspapers and heard the report of the committee on rights.[62] Clearly, the Congress would employ some form of economic coercion in the struggle with Parliament and the ministry.

Giving the committee another day to work on its recommendations, the Congress again sat in the east room of Carpenters' Hall on 24 September and took up the report of the committee which then ceased to function. To facilitate their definition of colonial rights, they determined to confine themselves to a consideration "of such rights only as have been infringed by acts of the British parliament since the year 1763," postponing the discussion of "the general state of American rights to a future day."[63] This effectively eliminated the Trade and Navigation Acts, the keystone of the empire, from their survey, for they all predated 1763. The remainder of that Saturday and the following Monday and Tuesday, they spent on the "means most proper to be used for a restoration of American rights. . . ."[64]

The debates on 26 and 27 September again revealed the diverse interests of the provinces and the transitory nature of party alliances. Lee brought the whole issue to the fore by presenting a motion for nonimportation to begin 1 November 1774; presumably at the same time he introduced nonexportation to commence 10 August 1775 as instructed by the Virginia Convention. A Philadelphia merchant, Mifflin,

61. PCC: Journal, I, 30-31; Ford, ed., *Journals,* I, 41.

62. PCC: Journal, I, 31; Ford, ed., *Journals,* I, 41. On the meaning of unanimity, see above, ch. 4, p. 133.

63. PCC: Journal, I, 31; Ford, ed., *Journals,* I, 42.

64. PCC: Journal, I, 32; Ford, ed., *Journals,* I, 42-43. The standard work on the Trade and Navigation Acts is Lawrence A. Harper, *The English Navigation Laws: A Seventeenth-Century Experiment in Social Engineering* (New York, 1939).

concurred with Lee on the November date, "for no honest orders were sent after the first of June." After some discussion on the various subterfuges which could weaken nonimportation, Mifflin turned to the question of nonexportation. Samuel Chase offered a lengthy analysis of the problem and maintained that total nonintercourse with Britain and the West Indies "must produce a national Bankruptcy, in a very short Space of Time," in the mother country. Pointing out that tobacco alone provided employment for 225 British ships and that the sugar islands needed continental lumber for barrels, he asserted that nonexportation was "of vastly more importance than a Non Importation," for it "affects the Merchants as well as Manufacturers, the Trade as well as the Revenue." He concluded by urging an early date for nonexportation. He received support from Lynch and Gadsden who advocated pressing forward with nonexportation despite the Old Dominion's instructions to delay it. After all, "Boston and New England cant hold out – the Country will be deluged in Blood, if We dont Act with Spirit. Dont let America look at this Mountain, and let it bring forth a Mouse." On nonexportation the Congress fragmented. Sharing the Virginians's concern for tobacco, Maryland's Chase could not see ignoring their desires and proceeding without them. Cushing, however, wanted nonimportation, nonexportation and nonconsumption at once. Others jumped into the fray to protest the economic consequences of immediate nonexportation to their constituents: North Carolina's Hooper expressed solicitude for naval stores, South Carolina's Edward Rutledge for rice, New Hampshire's Sullivan for lumber and Virginia's Lee for tobacco.[65] After two days of such wrangling, the Congress voted unanimously that after 1 December "there be no importation into British America from Great Britain or Ireland, of any goods, wares or merchandizes whatsoever," or from any place to which such items may have been exported, and that no such articles imported after 1 December "be used or purchased."[66] Nonexportation, however, had to be set aside temporarily, perhaps for less divisive discussion in the "long Entry" of Carpenters' Hall and in the city's taverns.

The difficulty in reaching even a general statement on nonexportation stemmed from the Trade and Navigation Acts which required that the staple crops of the southern plantations, such as tobacco, rice and indigo, be exported only to the mother country; to be sure, the regulations permitted the shipment of rice to Europe south of Cape Finisterre, but this still kept South Carolina rice out of the best markets except through reexportation from Britain.[67] The more important northern products – fish

65. Butterfield, ed., *Adams Diary*, II, 137-140.

66. PCC: Journal, I, 32; Ford, ed., *Journals*, I, 43.

67. On the regulation of the "enumerated commodities," see Charles M. Andrews, *The Colonial Period of American History*, 4 vols. (New Haven, 1964), IV: *England's Commercial and Colonial Policy*, ch. 4; Oliver M. Dickerson, *The Navigation Acts and the American Revolution* (New York, 1963), pp. 31-42, 49-51.

and grain – suffered from no such restriction. Thus nonexportation only to the British Isles and the West Indies would allow the northerners to comply with both the Trade and Navigation Acts and any agreement made in the Congress without economic disruption. The southerners, however, could not legally seek out non-English markets and consequently faced ruin while their northern brethren prospered. This, they maintained, was inequitable, and they demanded nonexportation to all, not just British, ports.[68] Interestingly enough, no one suggested that the southerners violate the law by trading their commodities freely with the world. Although it led to delay and the surfacing of internal jealousies, the Congress, like the preliminary meetings of the spring and summer, was determined to keep its protests and means of redress within the confines of the law and the constitution.

If the scores of resolutions passed by those many local and provincial gatherings had not adequately indicated the direction the Congress would take, the approval of the Suffolk Resolves and of nonimportation by the delegates made it abundantly clear that they would neither submit meekly to a British interpretation of the constitution nor merely petition for relief. Alarmed by the thrust of the conference's deliberations, Joseph Galloway utilized the debate on the means to obtain redress to bring up his plan of union. Claiming that nonimportation "will be too gradual in its Operation for the Relief of Boston," and that nonexportation would ruin the colonies and "would weaken us in another Struggle which I fear is too near," the Pennsylvania Speaker undertook an historical review of the deficiencies and injustices of the existing Anglo-American connection. In the course of this account, he repudiated both a reversion to 1763 which would leave fundamental questions unanswered and a boycott which "is undutiful and unlawful" as an "insult on the supreme authority of the State. . . ."[69] Herein lay the crux of the matter. Galloway and his friends still adhered to a concept of unified and absolute sovereignty, while others, ranging from John Dickinson to John Adams, held to an idea, founded on the colonial experience, of federated or divided sovereignty.

The plan called for "a British and American legislature, for regulating the administration of the general affairs of America. . . ." The twelve plantations represented at the Congress and Georgia were to be united in this legislature while

68. Butterfield, ed., *Adams Diary,* II, 139; John Drayton, *Memoirs of the American Revolution, from Its Commencement to the Year 1776, Inclusive; As Relating to the State of South-Carolina: And Occasionally Refering to the States of North-Carolina and Georgia,* 2 vols. (Charleston, 1821), I, 169-170; Edward Rutledge to Ralph Izard, Chester, Pa., 29 October 1774, Anne Izard Deas, ed., *Correspondence of Mr. Ralph Izard, of South Carolina, from the Year 1774 to 1804; With a Short Memoir,* 2 vols. (New York, 1844), I, 23-24.

69. Butterfield, ed., *Adams Diary,* II, 141-142; [Galloway], *Historical and Political Reflections,* pp. 70-72.

retaining their present charter, corporate or proprietary constitutions for the management of internal matters. Galloway proposed that the new government consist of a crown appointed President General with a veto power and a Grand Council elected triennially by the thirteen provincial assemblies. He provided for at least annual meetings of the Grand Council which "shall have power to chuse their own Speaker, and shall hold and exercise all the like rights, liberties, and privileges as are held and exercised by and in the House of Commons. . . ." Its jurisdiction extended over "all the legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the Colonies, in which Great Britain and the Colonies, or any of them, the Colonies in general, or more than one Colony, are in any manner concerned, as well civil and criminal as commercial." These very extensive powers did not belong exclusively to the Grand Council, but were shared with Parliament. Indeed, Galloway conceived of the Grand Council as *"an inferior distinct branch of the British Legislature, united and incorporated with it";* consequently either body could initiate bills which had to receive the assent of both to become law, except for wartime taxes which could be imposed by the Council alone.[70]

The Congress gave over all of 28 September to an examination of Galloway's plan. James Duane seconded the Speaker, agreeing with Galloway that a return to 1763 would solve nothing and that "Justice requires that we should expressly ceed to Parliament the Right of regulating Trade" since the colonies had no united competence to do so. Ignoring twenty years of history and thought, he also reminded the delegates that at the Albany Congress of 1754 this concession "was considered as indispensable." Jay favored the proposal as one which did not "interfere with any one Right," and Edward Rutledge thought "it almost a perfect Plan." The Bostonians discretely kept their silence, leaving it to the Virginians to oppose Galloway. Lee rebutted the objections to a restoration of conditions before 1763 with the pragmatic argument that until then "We flourished and grew." He added that the constitutional alterations inherent in the scheme necessitated consultation with the dominions. Ringing the changes of the real Whigs, Henry saw in it a way to "liberate our Constituents from a corrupt House of Commons, but thro[w] them into the Arms of an American Legislature that may be bribed by that Nation which avows in the Face of the World, that Bribery is a Part of her System of Government." Surely aware that Britain would not relinquish its commercial control of the empire, Henry insisted upon free trade for the colonies as compensation for any taxes raised by the Grand Council in America for the mother country. Even so, the taxation provisions of the plan did not meet his constitutional criteria, for taxation "by the Representatives of Representatives" is not

70. [Joseph Galloway], *The Examination of Joseph Galloway, Esq; Late Speaker of the House of Assembly of Pennsylvania. Before the House of Commons, in a Committee on the American Papers. With Explanatory Notes* (London, 1779), pp. 50-52. The plan and Galloway's speech as he reconstructed it later also appear in Ford, ed., *Journals*, I, 43-51.

by consent.[71] At the end of the day's session, the Congress ordered the proposal to lie on the table by a vote of six colonies to five.[72] Although lifted from the table and formally dismissed on 22 October, the action of 28 September in effect killed the Galloway plan of union.[73]

Colored by the later British Commonwealth of Nations, any attempt to evaluate Galloway's proposition runs the risk of becoming an exercise in what might have been rather than history. Very simply, the eighteenth century was not the nineteenth or twentieth. Despite the Earl of Dartmouth's admission that "The Idea of Union upon some general constitutional Plan is certainly very just and I have no doubt of its' being yet attainable, thro' some channel of mutual consideration and discussion," British political doctrine in 1774 and 1775 did not allow for any denigration of Parliament's absolute power.[74] Moreover, George III had a "firm & steadfast Resolution to withstand every attempt to weaken or impair the Authority of the Supreme Legislative, over all His Majesty's Dominions —"[75] He held so strongly to this belief that he rejected a recommendation by Lord North to send "Commissioners to examine into the disputes; this looks so like the Mother Country being more affraid of the continuance of the dispute than the Colonies and I cannot think it likely to make them

71. Butterfield, ed., *Adams Diary,* II, 142-143.

72. Ward, ed., "Ward Diary," *Magazine of American History,* I, 441; [Galloway], *Examination,* p. 48.

    The six to five vote resulted from a division in Rhode Island's two-man delegation which neutralized that colony's ballot; Ward opposed the plan, Hopkins favored it (Ward, ed., "Ward Diary," *Magazine of American History,* I, 442).

    On the treatment of Galloway's plan in the Journal and his charges about that, see above, ch. 4, pp. 134-135.

73. Ward, ed., "Ward Diary," *Magazine of American History,* I, 442.

74. The Earl of Dartmouth to Cadwallader Colden, Whitehall, 7 January 1775, *The Letters and Papers of Cadwallader Colden,* VII: *1765-1775, Collections* of the New-York Historical Society, LXI (1923), 260. On the British constitutional position in 1774, see above, ch. 1, pp.17-21.

75. The Earl of Dartmouth to Cadwallader Colden. Whitehall. 10 December 1774, *Colden Papers, Collections* of the New York Historical Society, LXI, 257.

reasonable. . . ."[76] On the other side of the Atlantic, a growing number of politically articulate provincials could not accept *"inferior distinct"* status. Since the early 1760's the American view of the constitution had increasingly rested on autonomous legislative parity within the empire.[77] In short, Galloway stood up in Carpenters' Hall twenty years too late for his compatriots and almost a century too soon for the members of a British Parliament.

From 29 September through 6 October, the Congress continued its consideration of the means for seeking redress.[78] Indeed, the discussion of Galloway's plan on the twenty-eighth can be regarded as a piece of the same debate. Although occasionally highly divisive, out of these deliberations emerged much of the final shape of the Congress's determinations. On 30 September it decided to halt all exports to Great Britain, Ireland and the West Indies after 10 September 1775 "unless the grievances of America are redressed before that time."[79] This, however, was only a general policy statement which, as the splintering of 26 and 27 September showed, would require more than a little amplification and modification before implementation. To bring in a program of nonimportation, nonexportation and nonconsumption, the deputies appointed a committee consisting of three merchants, Thomas Cushing, Isaac Low and Thomas Mifflin, and two planters, Richard Henry Lee and Thomas Johnson.[80] Similarly, on 1 October they resolved to petition the King to interpose himself "to restore between Great Britain and the Colonies that harmony so necessary to the happiness of the British Empire and so ardently desired by all America," and selected two planters, Lee and Johnson, and three lawyers, John Rutledge, John Adams and Henry, to draft such a petition.[81] But it took the Congress until the fifth to agree upon the broad contents of the appeal to George III. On the first, Jay, seconded by Low, moved that the petition include an offer from the colonies to pay for the tea destroyed at Boston. This concession found favor with George Ross, Edmund Pendleton and James Duane. Richard Henry Lee, Thomas Lynch, Christopher Gadsden, both Rutledges, Patrick Henry, Robert Goldsborough and John Adams attacked it, and the Congress defeated Jay's proposal.[82]

76. The King to Lord North, Queen's House, 15 December 1774, Sir John Fortescue, ed., The Correspondence of King George the Third from 1760 to December 1783, 6 vols. (London, 1927-1928), III, 156.

77. On the American position, see above, ch. 1, pp. 13-17.

78. PCC: Journal, I, 32-33; Ford, ed., *Journals*, I, 51.

79. PCC: Journal, I, 33; Ford, ed., *Journals*, I, 51-52.

80. PCC: Journal, I, 33; Ford, ed., *Journals*, I, 53.

81. PCC: Journal, I, 33-34; Ford, ed., *Journals*, I, 53.

82. Christopher Collier, ed., "Silas Deane Reports on the Continental Congress, A Diary Fragment: October 1-6, 1774," Connecticut Historical Society *Bulletin*, XXIX, No. 1 (1964), pp. 2-3.

As the deputies debated the problem of the petition, Lee threw the fat into the fire by suggesting that Britain be relieved of her responsibilities for America's defense. He wished to state that since "North America under Providence is able, willing and determined to Protect Defend and Secure itself The Congress do most earnestly recommend it to the several Colonies that a Militia be forthwith appointed and well disciplined And that they be well provided with Ammunition and proper Arms."[83] It was all too obvious to John Rutledge against whom Lee planned to defend America; he considered it "a Declaration of War. . . ." Lee spoke to his motion, asserting "That it is the Duty of this Congress to put the Americans in Defending themselves — " a contention which went far in transforming the Congress from an intercolonial conference into a national legislature. With Lee stood Sherman, Dyer and Henry who maintained "that a preparation for Warr is Necessary to obtain peace — that America is not Now in a State of peace — that all the Bulwarks, of Our Safety, of Our Constit[utio]n are thrown down, That We are Now in a State of Nature — That we ought to ask Ourselves the Question should the planns of Nonim[portatio]n & Nonexp[ortatio]n fail of Success — in that Case arms are Necessary, & if then it is Necessary Now. . . ." Unacceptable to Benjamin Harrison, Richard Bland, Pendleton, Low, the Rutledges and William Hooper, as well as a majority of the others, Lee's proposition lost.[84] As finally passed on 3 October, the resolution instructed the committee to protest to the King about Parliamentary taxation for defraying the expense of American government and defense, and to assure him that the plantations could and would support their own administrations, raise an adequate peacetime militia and grant additional supplies in wartime. Lee thought this too weak and he voted against it; nevertheless, the twelve delegations consented to it unanimously.[85]

In conjunction with the discussions on the address to the King, the question of the authority of Parliament again perplexed the Congress. On 5 October the deputies had before them a motion which would have asked George III to strive for a restoration of the Anglo-American connection as it existed before 1763. This implicitly entailed the repeal of the revenue acts, the further extension of the power of admiralty courts and the Intolerable Acts, but left intact the Trade and Navigation Acts. Although the delegates could vote only aye or nay, in effect the Congress split three ways on this issue. Fearing that some sought independence, Low advocated a more

83. Motion about Militia, October 1774, Correspondence of Richard Henry Lee and of Arthur Lee, I: 1766-1777, American Philosophical Society; Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin*, XXIX, No. 1, p.3.

84. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin*, XXIX, No. 1, pp. 3-5.

85. PCC: Journal, I, 35; Ford, ed., *Journals*, I, 54-55.

explicit statement so as to avoid "being misapprehended, &, of being in a suspicious point of Light." This position, which meant an admission that Parliament could claim an American jurisdiction by right, may have had the concurrence of Jay, Robert Treat Paine and Edward Rutledge.[86] Others, such as Sullivan, Lynch, Sherman, Edward Biddle, John Rutledge and possibly Samuel Chase, reached the same conclusion, but from a different assumption. Believing that a mere reversion to the *status quo ante* 1763 would not really solve the constitutional problem, they did not wish to give their tacit consent to Parliamentary legislation passed before that year. As Lynch said, the proposed limitation "will leave some of the worst acts in force," including the increased powers of admiralty courts, the restrictions on American manufacturers and, most importantly to a South Carolinian, "the Rice being enumerated"; he also objected to "the Crown appointing Councillors to act as Legislators. . . ."[87]

The third group of speakers saw no danger in confining their attention to the period after 1763, for, as John Adams affirmed, "it does not imply, that We are to submit to all preceeding Acts – but that We shall by such repeal be in the State We were in 1763 as to harmony." Their advocacy rested not on an assertion of principle, but on political expediency; in view of the many different opinions in the Congress and the anticipated intransigence in Britain on the navigation system, George Read argued "That the Regulations of Trade, for the present ought to be pass'd over – it is better for the present to Temporize –." Indeed, anything else could have brought the Congress to a destructively divisive impasse. Samuel Adams, Lee, Henry, Mifflin, Johnson and, after some discussion, Cushing and Lynch joined John Adams and Read in pressing for the motion. More peripheral issues, such as the propriety of listing the Quebec Act as a grievance, were also intruded into the deliberation. But at last, the delegations voted six to five to instruct the committee "to assure his Majesty, that in case the colonies shall be restored to the state they were in, at the close of the late war, by abolishing the system of laws and regulations – for raising a revenue in America – for extending the powers of courts of Admiralty – for the trial of persons beyond sea for crimes committed in America – for affecting the colony of Massachusetts – and for altering the government and extending the limits of Canada, the jealousies, which have been occasioned by such acts and regulations of parliament, will be removed and commerce again restored."[88]

86. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, pp. 5-6.

    Deane's notes, the only source for this debate, are somewhat sketchy; the particular context of each man's comments, however, seems to indicate that Jay, Paine and Edward Rutledge supported Low.

87. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, pp. 5-6.

88. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, pp. 5-6; PCC: Journal, I, 35; Ford, ed., *Journals,* I, 54-55. New Hampshire, Massachusetts, Rhode Island, Connecticut, Virginia and North Carolina voted for the motion; New York, New Jersey, Delaware, Maryland and South Carolina against it, and Pennsylvania was evenly divided.

With the broad outline of the petition to the King settled, the Congress could devote the balance of the fifth and sixth to the very troublesome problems of nonimportation and nonexportation. The nonimportation policy of 27 September did not include the West Indies, thus the colonists could continue to consume the taxed sugar, molasses and coffee of the islands. To pay the duties, however, would acknowledge Parliament's right to raise a revenue in America; the alternative was illicit trade. This presented a real dilemma, for, Pendleton asked, "How is the Purchaser to know whether the Molasses, Sugar, or Coffee, has paid the Duty or not? It cant be known. Shant We by this hang out to all the World our Intentions to smuggle?" And there were, according to Lynch, "Many Gentlemen in this Room [who] know how to bring in Goods, sugars and others without paying Duties," a slur on merchants much resented by Low. But smuggling or an extension of nonimportation to the Indies would make it appear "that We mean to strike at the Right of Parliament to lay duties for the Regulation of Trade," and, as revealed in the debates of earlier that day, a sizeable minority thought that Parliament had such regulatory powers. Moreover, there were domestic political considerations: "Will, Can the People bear a total Interruption of the West India Trade? Can they live without Rum, Sugar, and Mollasses? Will not their Impatience, and Vexation defeat the Measure?"[89] The deputies answered these questions by resolving to prohibit the importation of molasses, coffee, and pimento from the British West Indies, wines from Madeira and the western islands and foreign indigo, all dutiable items, after 1 December 1774, which left the door open for smuggling from the French and Dutch plantations in the Caribbean.[90]

The resurrection of nonexportation posed even greater difficulties. Again, as on 26 and 27 September, the particular commercial interests of the individual provinces threatened to tear the Congress apart, pitting South against North. Indeed, Low, no enthusiast for the Congress to begin with, used this as an excuse to suggest that it disband, at least temporarily, and asked "What would be the Consequence of an Adjournment of the [Con]gress for 6 months? or a Recommendation of a [new] Election of another to meet at the End of 6 Months."[91] Gadsden attempted to reduce this sectionalism by moving that no remittances be paid to Britain after 20 September 1774, a date already two weeks in the past. This would have imposed yet another economic sanction on the mother country and would have disrupted the fiscal ties of New England and the middle colonies with Britain as much as the nonexportation of tobacco, rice and indigo interfered with the South's connections. Lynch then proposed that "each Colony might give an Acc[oun]t of what could be stopped from each Colony." This elicited a desire for so many exemptions that Harrison "says that the Measure cannot be carried into Execution & will defeat the whole, And fears it is

89. Butterfield, ed., *Adams Diary*, II, 147-149.

90. PCC: Journal, I, 36; Ford, ed., *Journals*, I, 57.

91. Butterfield, ed., *Adams Diary*, II, 148.

design'd to defeat the Whole, he says he believes it is." The Congress was perhaps in danger of going back to late September, but "Express arrived from Boston & his Lett[e]rs read."[92]

Once again Paul Revere brought news from Massachusetts which diverted the Congress and shaped its decisions. At the time it adopted its resolves, the Suffolk Convention had also sent a committee to General Gage to remonstrate with him about the fortification of the city. He persisted, however, and the Boston committee of correspondence, fearing "the inhabitants will be held as hostages for the submission of the country," turned to the Congress for advice. It asked the Continental deputies whether the people should "quit the town" or maintain their ground for the sake of "the public cause," notwithstanding "hardship & danger" and the absence of constitutional government.[93] The Congress responded by appointing another committee; Lynch, Pendleton and Samuel Adams were charged with requesting Gage to end his virtual blockade of Boston and with assuring him of the "peaceable disposition" of the people of the Bay.[94]

Of course, there is no direct evidence for the fine hand of the Adamses in the receipt of the letter from Boston, and they probably still avoided intruding themselves too obviously.[95] They had good cause "to keep ourselves out of sight," for some delegates remained skittish about the Massachusetts representatives; on the very day the latest dispatch from Boston arrived, Low brought this fear openly to the floor, saying "We have too much Reason in this Congress, to suspect that Independency is aimed at."[96] But they also had allies or like-thinking friends. On either 7 or 8 October,

92. Collier, ed., "Deane Diary Fragment," Connecticut Historical Society *Bulletin,* XXIX, No. 1, pp. 7-8.

93. PCC: Journal, I, 35-36; Ford, ed., *Journals,* I, 55-56.

94. PCC: Journal, I, 36-38; Ford, ed., *Journals,* I, 57-58.

95. John Adams later recalled seeing Samuel Adams "at Mrs. Yard's in Philadelphia, when he was about to leave Congress, cut up with his scissors whole bundles of letters into atoms that could never be reunited, and throw them out of the window, to be scattered by the winds. This was in summer, when he had no fire, in winter he threw whole handfuls into the fire." (To William Tudor, Quincy, 5 June 1817, Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author,* 10 vols. [Boston, 1850-1856], X, 264).

96. John Adams to William Tudor, Philadelphia, 29 September 1774, Adams, ed., *Works of John Adams,* IX, 348; Butterfield, ed., *Adams Diary,* II, 148.

one of John Adams's dinner companions of the seventh, Richard Henry Lee, dramatized the Boston situation by moving the abandonment of "that once free city. . . ."[97] The Congress defeated his recommendation; however, on 8 and 10 October it passed four resolutions which echoed the Suffolk Resolves. In the first of these, dated the eighth, the Congress "approve of the opposition by the Inhabitants of the Massachusetts Bay to the execution of the late acts of Parliament, and if the same shall be attempted to be carryed into execution by force, in such cases all America ought to support them in their opposition."[98] Galloway and Duane strenuously resisted this stand which took the colonies closer to war with the mother country. The former later claimed that only fear for his personal safety prevented him from resigning his seat in the Congress, and the Pennsylvanian and New Yorker exchanged certificates "declaring our opposition to that question, as we thought it a treasonable one."[99] Strangely, John Adams did not confide his reaction to this measure even to his diary, but his cousin Samuel thought that in it "our Countrymen discover the Spirit of Rome or Sparta."[100]

The delegates adopted the other three resolutions on 10 October. They agreed unanimously that Boston should not be evacuated, by a majority that the Bay "submit to a suspension of the administration of Justice, where it cannot be procured in a legal and peaceable manner" under its charter, and unanimously that everyone acting under the Massachusetts Government Act "be held in detestation and abhorrence by all good men and considered as the wicked tools of that despotism, which is preparing to destroy those rights, which God, nature and compact, have given to America."[101] They also approved a letter to Gage which informed him that the conduct of his troops could jeopardize the efforts of the Congress to restore Anglo-American harmony, attested to the "peaceable disposition" of the Bostonians and asked that he "discontinue the fortifications. . . ." In keeping with its certification to Gage, on 11 October the Congress recommended that the Massachusetts city "peaceably and firmly persevere in the line they are now conducting themselves, on the defensive," without

97. Ford, ed., *Journals,* I, 59 n.

98. PCC: Journal, I, 38; Ford, ed., *Journals,* I, 58.

99. [Galloway], *Examination,* pp. 63-64.

100. To Thomas Young, Philadelphia [17] October 1774, Cushing, ed., *Writings of Samuel Adams,* III, 163.

101. PCC: Journal, I, 38-39; Ford, ed., *Journals,* I, 59-60.

insult to the soldiers. This and the four resolutions were ordered sent to the Boston committee of correspondence.[102]

The restraint of the Congress perhaps explains John Adams's lack of enthusiasm for the resolutions of 8, 10 and 11 October. As he had written to William Tudor on 29 September:

> You say you look up to the Congress. It is well you should; but I hope you will not expect too much from us. The delegates here are not sufficiently acquainted with our province, and with the circumstances you are in, to form a judgment what course it is proper for you to take. They start at the thought of blood; yet they are unanimously and unalterably against your submission to any of the Acts for a single moment.
>
> You see by this what they are for; namely, that you should stand stock still, and live without government or law, at least for the present, and as long as you can. I have represented to them, whenever I see them, the utter impossibility of four hundred thousand people existing long without a legislature, or courts of justice. They all seem to acknowledge it, yet nothing can as yet be accomplished.
>
> We hear perpetually the most figurative panegyrics upon our wisdom, fortitude, and temperance; the most fervant exhortations to perseverance; but nothing more is done.
>
> I may venture to tell you that I believe we shall agree to non-importation, non-consumption, and non-exportation, but not to commence so soon as I could wish.
>
> Indeed all this would be insufficient for your purpose; a more adequate support and relief to the Massachusetts should be adopted. But I tremble for fear we should fail of obtaining it.[103]

To the aggressive John Adams, this was not good enough.

102. PCC: Journal, I, 39-42; Ford, ed., *Journals,* I, 60-62.

Gage wrote from Boston on 20 October to Randolph that he had not cut off all communication between Boston and the rest of the province and that the fortifications were being strengthened solely for the protection of his troops. Randolph received the letter in Virginia after the final adjournment of the Congress (Ford, ed., *Journals,* I, 114-115).

103. Philadelphia, Adams, ed., *Works of John Adams,* IX, 347.

With the disposition of the latest dispatch from Boston, the Congress could return to routine matters. Accordingly, it decided to prepare a memorial to the inhabitants of British North America "stating to them the necessity of a firm, united and invariable observation of the measures recommended by the Congress," and an address to the people of Great Britain. It named Lee, Jay and William Livingston to draw up both the memorial and the address.[104] On 12 October the committee to devise a plan for the implementation of economic sanctions reported, and the delegates resumed the debate on the proposals of the committee on America's rights.[105]

In these deliberations the central issue became Parliament's authority to regulate imperial commerce and the basis of that authority if it existed at all. The question revolved around a much controverted article written by John Adams which lodged in the provincial assemblies power over "all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner, as has been heretofore used and accustomed," and which "cheerfully consent[ed] to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantage of the whole empire to the mother country, and the commercial benefits of its respective members, excluding any idea of taxation internal or external for raising a revenue on the subjects in America without their consent."[106] Adopting the premises of the Stamp Act Congress Resolves and Dickinson's *Letters from a Farmer,* Adams thus completely denied that Parliament had the right to exercise any jurisdiction over the plantations. The authority he did allow to the British legislature it held by provincial consent, a consent which the colonies could conceivably withdraw.[107]

For three days this question occupied the Congress. On 12 October Samuel Ward argued for an empire "Bound by the compact, by charter between Crown and people. Here no Acts of Parliament can bind." He further maintained that "one kingdom [any American province] should not be governed by another [Great Britain]," and that the acknowledgment of Parliament's right to regulate trade "is yielding all." In this contention he had the support of John Adams and Thomas Lynch who believed "a Right to bind us in one case" could be extended to all cases, "but we are bound by none."[108] The next day Duane, fearing civil war, offered a lengthy examination of the problem and spoke for an explicit recognition of Parliament's imperial power. He

104. PCC: Journal, I, 42; Ford, ed., *Journals,* I, 62.

105. PCC: Journal, I, 42; Ford, ed., *Journals,* I, 62-63.

106. PCC: Journal, I, 45; Ford, ed., *Journals,* I, 68-69. See above, pp. 151-152.

107. See above, ch. 1, pp. 14-17.

108. Duane, Notes, 12 October 1774, Burnett, ed., *Letters,* I, 71-72.

warned that the mother country "must support her title to it [the right to regulate trade] at the expense of the last drop of her blood and last farthing of her treasure." America's "allowing it to her clearly," however, "will be the best messenger of peace" and "will remove all suspicion that we seek after independence." Expediency alone did not dictate his readiness to concede this authority to Britain. He also thought it a prerogative which "she has enjoyed ever since our colonization" and that "It is agreed on all hands that there must be some supreme controlling power over our trade, and that this can only rest with Parliament." Finally, he saw no objection to admitting this power by right, "Compact, Acquiescence, Necessity, Protection, not merely on our Consent."[109] Apparently, Duane was persuasive, for at the end of the session five colonies voted to grant Parliament's right, five to reject it, and "two divided among themselves, i.e., Mass. and Rhode Island."[110]

That evening John Adams dined with John Dickinson, Samuel Chase, William Paca, Isaac Low, Thomas Mifflin, Richard Penn and Charles Lee; presumably he worked and talked hard.[111] In Carpenters' Hall the following morning Pendleton spoke in favor of Adams's original article.[112] At last, after slightly more than two weeks of debate in committee and almost another three weeks on and off the floor, the Congress, perhaps spurred by the reports of deteriorating conditions in Boston, adopted a declaration of rights and grievances consisting of twelve resolutions on 14 October 1774. Five years later before the House of Commons, Joseph Galloway testified that this bill of rights encountered "a very considerable opposition," and that he and the "gentlemen who drew with me in opposition perplexed the proposals made by the violent party, as we acted entirely on the defensive; – so that they did not come to a single resolution for better than a fortnight, neither stating their rights or their grievances."[113] His best efforts, however, could only delay, not determine, the course of the Congress. This may have resulted from a peculiar political arrogance or overconfidence born of many years of success in the Pennsylvania House which Julian Boyd has very aptly described:

109. Duane, Notes, 13 (?) October 1774, Burnett, ed., *Letters,* I, 72-74; Butterfield, ed., *Adams Diary,* II, 151.

110. Butterfield, ed., *Adams Diary,* II, 151. Both Adamses and Ward opposed the admission of Parliament's right, leaving Cushing, Paine and Hopkins for it (Duane, Notes, 12 and 14 October 1774, Burnett, ed., *Letters,* I, 72, 75; Ward, ed., "Ward Diary," *Magazine of American History,* I, 441).

111. Butterfield, ed. *Adams Diary,* II, 151.

112. Duane, Notes, 14 October 1774, Burnett, ed., *Letters,* I, 75.

113. [Galloway], *Examination,* p. 61.

> Political manipulation of an assembly of unlettered farmers and justices of the peace was one thing. But association in a Congress of some of the best minds in America – including a John Adams, a Roger Sherman, a John Jay, a Richard Henry Lee, an Edward Rutledge – was quite a different matter.[114]

And Joseph Galloway ultimately failed.

Prefacing its declaration with an indictment of the unconstitutional conduct of Parliament since 1763, particularly as manifested in the Coercive Acts, and of the administration for frequent dissolutions of the provincial assemblies and for repeatedly treating petitions with contempt, the Congress rested America's rights on "the immutable laws of Nature, the principles of the English constitution, and the several charters or compacts. . . ." From these sources the deputies deduced ten enumerated rights: 1) the right "to life, liberty & property" the disposal of which had never been ceded; 2 and 3) "all the rights, liberties and immunities" enjoyed by Englishmen at the time of settlement; 4) the right to a "free and exclusive power of legislation" over "taxation and internal polity" with Parliament's having authority to regulate imperial commerce by American consent – just as drafted by John Adams; 5) the rights of the English common law, particularly trial by "their peers of the vicinage"; 6) the rights of English statute at the time of colonization; 7) the rights granted by royal charters or the "special codes of provincial laws"; 8) the right of peaceable assembly and petition; 9) the right to be free of a standing army in peacetime unless consented to by the colonial legislatures; and 10) the right to representative assemblies with independent constituent branches.[115] In sum, this bill of rights endorsed the advanced constitutional position that Parliament possessed no legitimate jurisdiction over the provinces except such as the colonial assemblies permitted it to exercise.

The eleventh resolution approved on 14 October listed the violations of America's rights. The committee appointed to ascertain these infringements and the Congress discovered many British transgressions which predated 1763; these, however, "from an ardent desire that harmony and mutual intercourse of affection and interest may be restored we pass over for the present and proceed to state such acts and measures as have been adopted since the last war which demonstrate a system formed to enslave America." The statutes found unconstitutional by the delegates included the Revenue Act of 1764, the Currency Act of 1764, the act of 1766 which provided for the collection of duties on imports to the colonies in the United Kingdom rather than in

114. *Anglo-American Union: Joseph Galloway's Plans to Preserve the British Empire, 1774-1788* (New York, 1970), p. 27.

115. PCC: Journal, I, 44-46; Ford, ed., *Journals,* I, 67-70. The rights numbered 1, 2, 3, 5, 6, 7, 8, 9 and 10 were entered *nem. con.;* 4 was simply resolved.

the plantations, the act creating the American Board of Customs Commissioners in 1767, the Townshend duties, the act of 1768 which further extended the power of the vice-admiralty courts, the "act for the better securing his Majesty's dockyards, magazines, ships, ammunition and stores" which provided for the removal of the accused to the mother country for trial, the Boston Port Act which had precipitated the crisis, the Massachusetts Government Act, the Administration of Justice Act, the Quebec Act and the Quartering Act of 1774. The Congress also took umbrage over the maintenance of a standing army in the provinces in time of peace. The restoration of "harmony between Great Britain and the American Colonies" required the repeal of these offending statutes and the removal of the troops.[116] King and Parliament, of course, could not meet all these conditions, especially the annulment of the Quebec Act. A sagacious recognition of the different institutions and traditions of a but recently French colony, the Quebec Act tolerated Roman Catholicism and established French civil law in the province, and extended its boundaries to incorporate the trans-Allegheny French plantations north of the Ohio River. Inasmuch as this statute did not affect the internal polity or autonomy of the English dominions, it did not properly fall within the purview of the Congress; however, the Whig heritage of antipathy to Catholicism, devotion to Protestantism and concern for the common law joined with a speculative interest in western lands to transcend narrow constitutional principles and make this an Intolerable Act.[117] The very exhaustiveness of these demands, despite a politic silence on the trade and navigation system and the "ardent desire" of the delegates, all but precluded an amicable settlement of the Anglo-American dispute.[118]

The final resolution of 14 October merely repeated earlier decisions of the Congress. Still hoping for a return to "happiness and prosperity," the deputies announced their determination to rely on "peaceable measures" only. Among these they counted nonimportation beginning 1 December 1774, the formation of a nonimportation, nonexportation and nonconsumption "agreement or association," an address to the people of the mother country, a memorial to the inhabitants of the colonies and a petition to the King; significantly, they did not include an appeal to

116. PCC: Journal, I, 47-48; Ford, ed., *Journals*, I, 71-73. This resolution passed *nem. con.* The offending statutes are calendared as 4 Geo. III, c. 15 and 34; 6 Geo. III, c. 52; 7 Geo. III, c. 41 and 46; 8 Geo. III, c. 22; 12 Geo. III, c. 24; 14 Geo. III, c. 19, 45, 39, 83 and 54.

117. The apprehension about the west was ill-founded, for the law provided "That nothing herein contained, relating to the Boundary of the Province of Quebec, shall in anywise affect the Boundaries of any other Colony," and protected all existing titles to land (14 Geo. III, c. 83).

118. David L. Ammerman, "The First Continental Congress and the Coming of the American Revolution" (unpublished Ph.D. dissertation, Cornell University, 1966), p. 117.

Commons or Lords which would have implied the existence of a Parliamentary jurisdiction in America. Charles Thomson recorded in the Journal the unanimous consent of the representatives to this decision.[119]

From its first gathering on 5 September to the approval of the Declaration of Rights on 14 October, almost six weeks had passed, and impatience began to set in among the members of the Congress. As early as 25 September, John Adams wrote, "Tedious, indeed is our Business. – Slow, as Snails. I have not been used to such Ways."[120] But he was ready "if it should be necessary to stay here till Christmas, or longer, in order to effect our Purposes. . . ."[121] On 9 October he was again "wearied to Death with the Life I lead. The Business of the Congress is tedious, beyond Expression. This Assembly is like no other that ever existed. Every Man in it is a great Man – an orator, a Critick, a statesman, and therefore every Man upon every Question must shew his oratory, his Criticism and his Political Abilities." Even the "perpetual Round of feasting" became burdensome.[122] Samuel Ward found by 1 October that "the Pleasure of being with & taking Care of my little Tribe is much greater than all the Grandeur & Gaiety around Me can inspire," and he had "hopes we shall rise in a Fortnight or three Weeks but can form no Judgment with Certainty."[123] Silas Deane, too, fretted because the "proceedings of the Congress are carried on slow, and I fear will detain us here through the month."[124] In their interim report to Governor Jonathan Trumbull, the Connecticut delegates thought it incumbent upon them to explain "Our being delayed here beyond the Time which either the Colony or We ourselves expected."[125] New York's James Duane feared his attendance would affect his purse, since "This Trade of Patriotism but ill agrees with the profession of a practicing lawyer. I have lost my clients the Benefit of a Circuit and now despair of Doing any thing the ensuing Term. . . ."[126] And on 23 October George Read

119. PCC: Journal, I, 48-49; Ford, ed., *Journals,* I, 73.

120. To Abigail Adams, Philadelphia, Butterfield, ed., *Adams Correspondence,* I, 162.

121. John Adams to Abigail Adams, Philadelphia, 29 September 1774, Butterfield, ed., *Adams Correspondence,* I, 163.

122. John Adams to Abigail Adams, Philadelphia, Butterfield, ed., *Adams Correspondence,* I, 166.

123. To his children, Philadelphia, Ward Papers, Rhode Island Historical Society.

124. To Elizabeth Deane [Philadelphia, 9 October 1774], *Deane Correspondence, Collections* of the Connecticut Historical Society, II, 187.

125. Philadelphia, 10 October 1774, Trumbull Papers, Connecticut State Library.

126. To James Tabor Kempe, Philadelphia, 11 October 1774, American Revolutionary Bicentennial Office transcript from Feinstone Collection, 283 (Microfilm), American Philosophical Society.

complained to his wife of great activity "yet very little in all the bustle. We are wide of our business."[127]

John Adams in particular had reason to long for Braintree. After the Congress approved its Declaration of Rights and adjourned for the day, Ward and Hopkins appeared at Adams's lodgings and invited the Bay's deputies to meet with James Manning, President of the College of Rhode Island, and Isaac Backus, the Baptist minister of Middleborough, Massachusetts, at six o'clock in Carpenters' Hall. They all went and to John Adams's "great Surprize found the Hall almost full of People, and a great Number of Quakers seated at the long Table with their broad brimmed Beavers on their Heads." The assembly had gathered to protest the legislative and judicial disabilities and treatment accorded Baptists and Friends in Massachusetts and to appeal to the Congress for redress of their grievances. Israel Pemberton, a Philadelphia "Quaker of large Property and more intrigue," warned the Congregationalist Yankees "that Congress were here, endeavouring to form a Union of the Colonies: but there were difficulties in the way, and none of more importance than Liberty of Conscience." He then insisted upon assurances "that our State would repeal all those Laws, and place things as they were in Pennsylvania." John Adams immediately thought that "this artfull Jesuit" was intent upon creating divisions "to break up the Congress, or at least withdraw the Quakers and the Governing Part of Pensilvania from Us. . . ." Indignantly he replied to Pemberton that toleration "would demand indulgence for the tender Consciences of the People of Massachusetts, and allow them to preserve their Laws." – a position he soon thought better of. Until eleven o'clock the discussion continued with Cushing, Paine and the Adamses attempting to demonstrate the absence of "Oppression or injustice" in the Bay. Eventually they promised to do what they could in Massachusetts and the "Trybunal" ended.[128]

Perhaps goaded by their growing impatience and by their success in reaching agreement on the Declaration of Rights, the deputies moved forward with considerable dispatch. On Saturday, 15 October, they took up the plans for the actual imposition of economic sanctions which occupied them until the following Tuesday. In these deliberations they had the formal counsel of their newest colleague, John Dickinson, who assumed his seat on 17 October.[129] Although he was not officially a delegate

127. American Revolutionary Bicentennial Office transcript from George Read Photostats, Revolutionary Collection, Maryland Historical Society.

128. Butterfield, ed., *Adams Diary,* II, 152, and III, 311-312; Franklin B. Dexter, ed., *The Literary Diary of Ezra Stiles, D.D., LL.D., President of Yale College,* 3 vols. (New York, 1901), I, 472-475. See also, Alvah Hovey, *A Memoir of the Life and Times of the Rev. Isaac Backus, A.M.* (Boston, 1859), chs. 15-16.

129. PCC: Journal, I, 49; Ford, ed., *Journals,* I, 74-75.

Having won an Assembly seat in the provincial election of 1 October, Dickinson qualified for a place in the Congress to which he was appointed on 15 October upon the nomination of George Ross (Gertrude MacKinney and Charles F. Hoban, eds., *Pennsylvania Archives,* 8th series, 8 vols. [Harrisburg, 1931-1935], VIII, 7152).

until almost the close of the Congress, there is evidence that the "Farmer" played an important part in it out of doors well before the middle of October. According to a letter from Philadelphia dated 8 September in the *South-Carolina and American General Gazette* of 23 September, he and Thomas Willing "are both, by the united voice of the respectable body of Delegates, called in to give their assistance, to the great satisfaction and pleasure of the people." In addition, his attendance at many dinners throughout September and early October with various deputies may safely be supposed to have had political significance.[130]

Although time and fretfulness pressed the Congress, the next several days did not pass smoothly. On 17 October Duane challenged the Declaration of Rights by questioning the wisdom of insisting upon the repeal of the Quebec Act. Typically, he carefully laid out the arguments for and against its inclusion in the list of offending statutes and concluded that constitutional consistency and the politics of the situation both in America and Britain dictated its exclusion. Jay seems to have agreed with him. The rather single-minded attachment of John Adams, McKean, Henry and Lee to the common law and Protestantism brought them to their feet against Duane's proposition and the Quebec Act's concessions to French legal procedures and Roman Catholicism. Lee, who represented a colony with charter claims to the old Northwest, also spoke against the extension of Quebec's boundary to the Ohio. In the end, Duane lost and the Quebec Act remained a grievance.[131]

The Congress disposed of Duane's proposal easily, but somewhere in the course of the debates between 15 October and 20 October the still unresolved problem of the specific provisions of nonexportation brought it to its worst crisis. The South Carolinians, except Gadsden, refused to admit their earlier defeats and continued to demand the exemption of rice and indigo from the embargo. This perhaps occasioned John Adams's sharing "a splendid Dinner" with the Rutledges and Middleton on the fifteenth; if so, he failed, for they remained adamant.[132] For several days they threatened to reduce the Congress to eleven provinces by absenting themselves from its sessions and announcing their determination not to sign the Association, as by the middle of October the nonimportation, nonexportation and nonconsumption agreement had come to be called. Gadsden alone went to Carpenters' Hall daily and offered to endorse the document for South Carolina. This was no answer, however, for

130. Fitzpatrick, ed., *Washington Diaries,* II, 164; Butterfield, ed., *Adams Diary,* II, 133, 135, 137, 140, 149, 151.

131. Duane, Notes, 17 October 1774, Burnett, ed., *Letters,* I, 77-79; Butterfield, ed., *Adams Diary,* II, 154.

132. Butterfield, ed., *Adams Diary,* II, 154.

the instructions given by the provincial convention and the Commons House of Assembly committed the colony to adhere only to such measures as met with the approval of a majority of its own delegates, not just a majority of the full Congress.[133] Possibly on 18 October Secretary Thomson asked the other Carolinians to come to the Hall where a compromise was struck: they gave up indigo in return for the exemption of rice.[134] Now "jealous of the rice Colonies," the other provinces concurred with little grace and "only for the sake of preserving the union of America."[135] But both sides did yield, and on 18 October the Congress adopted the Association, its most important constitutional document, and directed its transcription for signature by the delegates.[136]

The Association, like so many of the resolutions of 1774, affirmed America's "allegiance to his majesty" and "affection and regard for our fellow-subjects in Great-Britain and elsewhere," and reiterated the charges of oppression against Parliament and "a wicked ministry. . . ." To obtain redress of its many grievances, the Congress held that "a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure," and entered into the Association "for ourselves, and the inhabitants of the several colonies, whom we represent . . . under the sacred ties of virtue, honour and love of our country. . . ." This agreement called for a total nonimportation after 1 December 1774 of all goods from the mother country and Ireland, all East India tea from British and foreign plantations which eliminated the problem of smuggled Dutch tea, all British West Indian molasses, syrups, paneles, coffee and pimento, wine from Madeira and the western islands, and all foreign indigo. Except for the ban on tea from

133. For these instructions, see above, ch. 3, pp. 71-72.

134. The exact date of this compromise cannot be determined. According to Gadsden's later account, "when the association was completing, and the members of Congress were signing that instrument, all our Deputies, but himself, withdrew" (Drayton, *Memoirs,* I, 169). This would place the final crisis at 20 October, the day the delegates signed the Association, and the compromise several days later. This is certainly possible. The Journal for 18 October, however, refers to "sundry Amendments" (PCC: Journal, I, 50; Ford, ed., *Journals,* I, 75), including perhaps the concession to and from South Carolina. Unfortunately, none of the diarists provides any direct corroborative evidence for this. But both Ward and the Journal give 20 October as the date the deputies signed the Association and neither made any later mention of it (Ward, ed., "Ward Diary," *Magazine of American History,* I, 442; PCC: Journal, I, 50; Ford, ed., *Journals,* I, 75). This suggests that the settlement was reached before the day of the signing or on the eighteenth, the day of adoption.

135. Drayton, *Memoirs,* I, 169-170.

136. PCC: Journal, I, 50; Ford, ed., *Journals,* I, 75.

every source, this article repeated the resolutions of 27 September and 6 October. Secondly, it forbade the importation of slaves beginning 1 December 1774 and imposed a boycott on anyone engaged in the slave trade after that date. This was a new provision, not mentioned before in the Journal or diaries. Thirdly, it endorsed nonconsumption as "an effectual security for the observation of the non-importation. . . ." The deputies agreed not to use any tea after 20 October 1774 imported by the East India Company or on which duties had been or were to be paid; they extended this prohibition to all tea and other items specified in the nonimportation clause commencing 1 March 1775. Fourthly, out of solicitude for "our fellow-subjects in Great-Britain, Ireland, or the West Indies," they suspended until 10 September 1775 nonexportation of "any merchandise or commodity whatsoever to Great-Britain, Ireland, or the West-Indies, except rice to Europe." This, too, simply restated earlier resolutions and the compromise of 18 October; moreover, it conformed to the instructions given to the Virginians and postponed economic dislocation for the producers of American exports.[137]

The Congress addressed the next two articles of the Association to merchants and shipowners involved in the British and Irish trade. It asked such men to cancel their orders and threatened to publicize the names of "any merchant, residing in Great-Britain or Ireland" who sent goods to America to break the Association, so that all "commercial connexion" with them could be severed. The sixth directed the owners of vessels to issue instructions to their captains not to receive contraband cargoes "on pain of immediate dismission from their service."[138]

Articles seven, eight, nine and thirteen concerned the domestic consequences of the Association. In these, the delegates recommended that Americans "improve the breed of sheep," avoid slaughtering these wool-bearing animals and export none of them. In case of overstocking, the surplus sheep should be sold locally, "especially to the poorer sort, on moderate terms." In a further effort to foster self-sufficiency, the Congress encouraged "frugality, economy, and industry," and promoted "agriculture, arts and the manufactures of this country, especially of wool. . . ." It also denounced "every species of extravagence and dissipation," including horse racing, gaming, cockfighting, exhibitions, plays and the like, and urged the shunning of funeral sumptuousness. The ninth admonished retailers not to "take advantage of the scarcity of goods, that may be occasioned by this association," and fixed the prices of imported items at the prevailing rates of the past year; violators were to be boycotted. The thirteenth sought to impose similar restraints on the prices of "all manufactures of this country. . . ."[139]

137. Ford, ed., *Journals,* I, 75-77.

138. Ford, ed., *Journals,* I, 77-78.

139. Ford, ed., *Journals,* I, 78-79.

The Association contained a specific provision for the disposal of merchandise introduced in contravention of the agreement. The importer of any goods received between 1 December 1774 and 1 February 1775 had the options of reshipping them, of turning them over to a local committee for storage for the duration of the Association, or of selling them with the profits going to relieve the poor of Boston. This protected merchants from loss caused by legitimate commercial delays. Any trader who attempted to replenish his stock after 1 February would have to return the commodities at his own expense.[140]

The most significant articles, eleven, twelve and fourteen, established an extralegal and extragovernmental mechanism of enforcement. The eleventh decreed that the qualified voters of every county, city and town should elect a committee "attentively to observe the conduct of all persons touching this association. . . ." These committees were to print the name of any transgressor in the province's newspaper so "that all such foes to the rights of British-America may be publicly known, and universally contemned as the enemies of American liberty; and thenceforth we respectively will break off all dealings with him or her." Article fourteen applied the same punishment to any colony in North America which either did not accede to or violated the agreement. In the twelfth the Congress appointed the committees of correspondence to inspect the custom house entries to ascertain "the true state thereof, and of every other material substance that may occur relative to this association."[141] Although the implementation of this accord depended ultimately on public consent and good will, the creation of these committees in effect established an American executive and judicial infrastructure unrecognized in the law or constitution. Even article fourteen can be seen in these terms, for it determined the configuration of intercolonial relations and the conditions of membership in the American community. Furthermore, in the formation of this system, the Congress assumed for itself national and local legislative functions equally extralegal. As the Anglo-American crisis worsened and legitimate government crumbled in one colony after another, these committees and the Second Continental Congress filled the void to preserve order, conducted the war, and gave coherence to the revolutionary movement.

In a summary, concluding paragraph, the delegates once again enumerated the grievances listed in the Declaration of Rights and bound themselves and their constituents to adhere to the Association until Parliament abrogated every one of the irksome laws. They also gave additional impetus to the erection of alternative institutions by recommending that the provincial conventions and the committees adopt "such farther regulations as they may think proper, for carrying into execution

140. Ford, ed., *Journals,* I, 78-79.

141. Ford, ed., *Journals,* I, 79.

this association."[142] In their insistence on complete redress of all grievances and in their provision for virtual self-government, they narrowed the choices available to themselves and to the mother country, taking them that much closer to war.

Despite the significance of this document and its implications, it did not advance any unfamiliar ideas or proposals. Every one of its provisions also appeared in either the Fairfax Resolves or the Virginia Association or both, as well as in the scores of other provincial and local resolutions.[143] Thus, although the Congress gave unity of expression to America's discontent, it did not lead colonial opinion. Indeed, lacking coercive powers, it could not have taken a more extreme position even if the majority of the delegates had wanted to. As matters stood, it was difficult enough to secure the Declaration of Rights and the Association in such a broadly based and variegated body. This testifies not to any weakness in the Congress, but to its character as a conference and to the seriousness with which at least a sizeable minority of the colonial populace viewed the Anglo-American controversy.

Having approved the Association on 18 October, the Congress immediately pushed on with the letters to the people of Britain and America. It paused long enough on 20 October for the delegates to sign the formal text of the Association. They all attached their signatures except Rhoads who had resigned when elected mayor of Philadelphia and Goldsborough who had apparently returned to Maryland.[144] Even Galloway, who had attempted to thwart virtually every move of the Congress, signed, albeit perhaps not freely; he later claimed that he did so "on the ground of preventing the Congress from proceeding to more violent measures. . . ." He also very well may have remembered the earlier receipt of "a halter, with a letter attending it, threatening to put me to death if I did not make use of it."[145] And it may be of some significance that the Association "was ordered to be subscribed by the several members," which left little room for a dissenter to refuse his signature and which further enhanced at

142. Ford, ed., *Journals*, I, 79-80.

143. See above, ch. 2, esp. pp. 53-55. For a detailed comparison of the Fairfax Resolves, the Virginia Association and the Continental Association, see Ammerman, "First Continental Congress," pp. 121-124.

144. PCC: Journal, I, 50; Ford, ed., *Journals*, I, 75, 80-81.

145. [Galloway], *Examination*, pp. 56, 59.

Galloway claimed that he received the halter during the meetings of the "Grand Committee." He thought this gift arrived "on the part of the violent part of the Congress," and heard that two members "were concerned in it. . . ." See also above, p. 158, fn. 38.

least the appearance of unanimity in the Congress.[146] They decided to have 120 copies of the Association printed for distribution and again returned to routine matters.[147] Late that afternoon they attended "a most elegant Entertainment" given by the Pennsylvania Assembly at City Tavern. Toasts were, of course, offered, including "May the Sword of the Parent never be Stain'd with the Blood of her Children." John Adams overheard a Quaker remark that "this is not a Toast but a Prayer, come let us join in it —."[148] If a prayer, the proceedings of that day made its fulfillment difficult.

The next morning, Lee, Jay and William Livingston brought in a much amended version of the address to the people of the mother country. The first draft of this document, the work of Jay, went to the Congress on 18 October. Disappointed with its composition, the delegates spent much of the nineteenth proposing changes. The Congress recommitted the whole with "sundry Amendments," and on 21 October approved Jay's revised text.[149] Recalling "your great and glorious ancestors [who]

146. Ford, ed., *Journals,* I, 80.

147. PCC: Journal, I, 50; Ford, ed., *Journals,* I, 81.

148. Butterfield, ed., *Adams Diary,* II, 155.

149. PCC: Journal, I, 50-51; Ford, ed., *Journals,* I, 75, 81; William Jay, *The Life of John Jay: With Selections from his Correspondence and Miscellaneous Papers,* 2 vols. (New York, 1833), I, 30.

On the authority of Harrison and Pendleton, Jefferson later recalled that Lee prepared the first draft and that upon its unfavorable reception in the Congress Livingston introduced a version drafted by Jay which became the basis for the final text. To substantiate this story, Jefferson described an encounter with Livingston and another with Lee and Jay in 1775 through which he learned of Jay's authorship of the document as approved by the Congress (Thomas Jefferson to William Wirt, Monticello, 4 August [1805], S. V. Henkels, ed., "Jefferson's Recollections of Patrick Henry," *Pennsylvania Magazine of History and Biography,* XXXIV [1910], 390-393). Wirt's publication of this account stirred up some controversy in 1818. At that time John Adams wrote to John Jay attributing the address to the New Yorker and asking him to clear up the matter (Quincy, 9 January 1818, Adams, ed., *Works of John Adams,* X, 272-274). Jay replied that he had indeed been responsible for this letter to the people of Great Britain from the start. In establishing this, he pointed out that in 1774 the Congress had assigned both that address and the memorial to the inhabitants of the British colonies to the committee consisting of himself, Lee and William Livingston. He dismissed Lee's involvement with the address by reminding Adams that Lee drew up the memorial and asking "Is it probable that the committee found it *necessary* to assign both the *memorial* and the *address* to Mr. Lee, or that he would readily undertake that double task, or that notwithstanding his other avocations in and out of Congress, he could finish them *both* between 11 October, when they were ordered, and the 19th, when the draught of the memorial was reported?" (Bedford, 31 January 1818, Jay, *Jay,* II, 380-384). Although now beyond certain demonstration, I have here accepted Jay's memory, for his narrative is more plausible than Jefferson's and, unlike the Virginian's, does not rely on hearsay.

maintained their independence and transmitted the rights of men, and the blessings of liberty to you their posterity," Jay laid before the Britons a lengthy Whig history of Parliamentary and ministerial oppression in America since 1763. He attacked the Quebec Act in particular as a measure designed to crush colonial freedom with the aid of the Canadians whose numbers were "daily swelling with Catholic emigrants from Europe. . . ." Once these forces quelled America, the ministry could use "the same armies to inslave you." Having united the constitutional and religious interests of Britain and the provinces, Jay appealed to the English sense of justice, but he coupled this with a warning that "we will never submit to be hewers of wood and drawers of water for any ministry or nation in the world." In conclusion, the New Yorker justified the regrettable necessity of imposing economic sanctions "detrimental in their consequences to numbers of our fellow subjects," and hoped that in the general election of 1774 Britain would "furnish a Parliament of such wisdom, independence and public spirit, as may save the violated rights of the whole empire from the devices of wicked Ministers and evil Counsellors" and thus restore harmony to that empire.[150] Although Jay played on a common heritage and Protestant prejudice to engage the sympathies of the British people, his candid repudiation of Parliamentary authority and his denunciation of the ministry could not have elicited the support of many Britons except the pitifully small handful of radicals such as John Wilkes.

Also on 21 October the Congress adopted the memorial to the inhabitants of the twelve dominions represented in Philadelphia. Drafted by Lee, this document, like the address to the people of Great Britain, contained a history of Parliament's efforts "to form a regular system . . . for subjugating these Colonies" in the years since 1763. In addition, the memorial drew attention to the "equally injurious" conduct of the administration, including the King himself. Following both of these sections, Lee, in an obvious attempt to remove the suspicions and fears of Massachusetts in the other provinces, quoted at length from the speeches and letters of Governor Sir Francis Bernard (1760-1769) to demonstrate the Bay's restraint, moderation and loyalty. He also attributed to the King's advisers a plot to provoke Massachusetts "into some violent action, that may displease the rest of the continent, or that may induce the people of Great-Britain to approve the meditated vengeance of an imprudent and exasperated ministry." Having recounted these grievances and schemes, Lee assured the Americans that "the state of these colonies would certainly justify other measures than we have advised," but that the Congress preferred the loyal mode of petition and the peaceful means of economic boycott to secure redress. He ended by asking the people to endure the hardship of strict adherence to the Association and to "implore the favour of almighty God: and we fervently beseech his divine goodness, to take you into his gracious protection."[151]

150. Ford, ed., *Journals,* I, 82-90.

151. PCC: Journal, I, 51; Ford, ed., *Journals,* I, 90-101.

The most striking characteristic of the memorial is its mildness of tone. Indeed, Jay's address to the Britons states more explicitly the progressive colonial view of the authority of Parliament than Lee's memorial to the Americans. In denouncing Parliament, Lee merely said that its statutes tended "to subvert the right of having a share in legislation, by rendering Assemblies useless. . . ." In conjunction with an attack on a system designed to subject the colonies, which "are not, and, from their local circumstances, cannot be represented in the House of Commons, to the uncontroulable and unlimited power of Parliament, in violation of their undoubted rights and liberties," the use of the word "share" did not advance the articulation of American constitutionalism beyond the Stamp Act Congress Resolves of 1765 and at least implied the acknowledgement of a Parliamentary right to legislate in some ways for the plantations.[152] Jay, on the other hand, considered "as heresies in English politics" the Parliamentary assertion "that they have a right to bind us in all cases without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit."[153] To be sure, Jay related this to property and thus taxation, but he began his list of heresies with "all cases without exception," which suggests a complete denial of a Parliamentary jurisdiction in the colonies and no notion of Britain's having a right to share in American legislative processes through Lords and Commons. The reason for this difference is clear: the delegates had by only a very narrow margin repudiated Parliamentary authority except by colonial "consent," and the populace at large was probably even more divided on this question.[154] To the Congress an American consensus was more important than English concurrence; if this necessitated a little equivocation in the memorial, so be it.

The deputies worked hard on 21 October. In addition to accepting both the address and the memorial, they ordered 120 copies of each printed and decided to send an address to the people of Quebec and letters to St. John's, Nova Scotia, Georgia, and East and West Florida. They directed Cushing, Lee and Dickinson to write these documents. The Congress also asked Galloway, McKean, Hooper and John Adams to ready the minutes for publication. And it heard a draft of the petition to the King which it sent back to the committee to which it added a proven penman, Dickinson. Finally, apprehending "that administration will endeavour to lay hold of as many Delegates as possible & have them carried to England and tryed as Rebels," it resolved that the seizure of any American for prosecution in the mother country "will justify,

152. Ford, ed., *Journals,* I, 93, 94. On the Stamp Act Congress Resolves, see above, ch. 1, pp. 14-15.

153. Ford, ed., *Journals,* I, 83.

154. See above, pp. 151-152, 175-177.

and ought to meet with resistance and reprisal."[155] With that, the possibility of war approached a little closer.

An entirely new order of problem confronted the delegates the next morning at Carpenters' Hall. Their president, Peyton Randolph, had fallen sick and could not attend; in his stead they elected Henry Middleton of South Carolina. From there it was all trying routine again, but clearly the end neared. They determined that three Pennsylvanians, Dickinson, Biddle and Thomson, should supervise the printing of the Journal for public distribution. They also passed a resolution which reflected little confidence in the efficacy of their several declarations, addresses and memorials; they appointed 10 May 1775 and Philadelphia as the time and place for the assembling of another Congress unless the redress of their grievances was granted by that date, and urged that "all the Colonies, in North America, chuse deputies as soon as possible. . . ." With extraordinary speed and ease, the delegates approved a letter to the other English continental colonies; it simply requested that they join in the Association and prayed "God to take you under his protection and to preserve the freedom and happiness of the whole British Empire."[156] The only other recorded action of the Congress on 22 October – and that not in the Journal – was the formal dismissal of Galloway's plan of union.[157] With this decision, future choices became yet more limited.

As the Congress entered its eighth and final week, the ailing Randolph and four of his fellow Virginians, Pendleton, Bland, Harrison and Henry, apparently thought the essential work of the conference finished. Giving Washington and Lee proxies, they left Philadelphia on 24 October in order to return to the Old Dominion in time for the opening of the next session of the House of Burgesses scheduled for 3 November.[158] Already a problem which was to plague the Second Continental Congress until its demise in 1789 had emerged: for all too many delegates provincial or state matters

155. Joseph Hewes to [James Iredell, Sr., 31 October 1774], Iredell Manuscripts, Perkins Library, Duke University; PCC: Journal, I, 51; Ford, ed., *Journals,* I, 101-102.

156. PCC: Journal, I, 52-53; Ford, ed., *Journals,* I, 102-103.

157. Ward, ed., "Ward Diary," *Magazine of American History,* I, 442.

158. Ford, ed., *Journals,* I, opp. 52; George Read to Gertrude Read, Philadelphia, 24 October 1774, American Revolutionary Bicentennial Office transcript from George Read Photostats, Revolutionary Collection, Maryland Historical Society.

The Burgesses did not meet on 3 November, for Governor Dunmore prorogued the House until 7 November and by successive proclamations kept it prorogued until 1 June 1775 (John P. Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1773-1776, Including the Records of the Committee of Correspondence* [Richmond, 1905], pp. 165-174).

had a greater priority than national ones. Not only the Virginians, however, felt impatience and the pull of home. On the day Randolph and the others started out for Virginia, John Adams wrote in his diary:

> In Congress, nibbling and quibbling – as usual.
>
> There is no greater Mortification than to sit with half a dozen Witts, deliberating upon a Petition, Address or Memorial. These great Witts, these subtle Criticks, these refined Genius's, these learned Lawyers, these wise Statesmen, are so fond of shewing their Parts and Powers, as to make their Consultations very tedius.[159]

Seven weeks of discretion, compromise, debate and delay had evaporated the enthusiasm of early September for this "Collection of the greatest Men upon this Continent. . . ."[160]

Petulance and premature departure were ill-timed, for "the finishing part of the business, which being the most critical, and requiring the greatest attention is too often left to the close of the session, and is of course ever in danger of suffering through the hurry of the Members."[161] Throughout the twenty-fourth, the Congress pushed on with an address to the people of Quebec which it recommitted for revision and listened to another version of the petition to the King.[162] Some delegates and visitors to the city seemingly placed little faith in petition; that evening the Adamses, Dyer, Sherman, Floyd and Mifflin talked with Charles Lee whose "Head is running upon his new Plan of a Battalion."[163] Meanwhile, the *Virginia Gazette* reported that the Providence, Rhode Island, militia regiment "will very speedily be called, and put on so respectable a Footing as to be prepared for any Emergency."[164]

159. Butterfield, ed., *Adams Diary,* II, 156.

160. John Adams to Abigail Adams, Philadelphia, 8 September 1774, Butterfield, ed., *Adams Correspondence,* I, 150.

161. Silas Deane to Jonathan Trumbull, Philadelphia, 22 October 1774, *The Deane Papers,* I: *1774-1777, Collections* of the New-York Historical Society, XIX (1886), 33.

162. PCC: Journal, I, 53; Ford, ed., *Journals,* I, 103.

163. Butterfield, ed., *Adams Diary,* II, 157.

164. (Purdie and Dixon), Supplement, 20 October 1774.

After almost a month in committee and on the floor, the Congress completed its most difficult task on 25 October when it gave its approval to the address to the King. The deputies had decided on 1 October to submit a petition to George III and assigned its preparation to Lee, Johnson, Henry, John Rutledge and John Adams; instructions to this committee occupied the full Congress for three days. Henry apparently wrote the first draft, calling in Adams to consult about it on 11 October.[165] Little more than an embellished rendering of the grievances already specified by the Congress, Henry's text took no explicit constitutional position and asked only "that we may be restored to that state in which America stood at the Close of the last War."[166] It seems that the committee rejected this effort, perhaps owning to its blandness, and gave the responsibility of another draft to Lee. Shorter than Henry's, Lee's version also enumerated the injuries of the preceding decade which "are with great humility, presented, we hope, for the favorable attention of our Sovereign, the Father of his People." Like Henry, Lee defined the constitutional foundation of America's complaints vaguely. His language, however, was somewhat different in tone; he addressed the King himself more deferentially, but bitterly attacked several former and present ministers by party designation and by name, including Lords Bute, Mansfield and North.[167] This may have been the text returned to committee on 21 October by the Congress because it "was written in language of asperity very little according with the conciliatory disposition of Congress."[168] With that the deputies added Dickinson to the committee.[169]

165. Butterfield, ed., *Adams Diary,* II, 151.

166. Patrick Henry, Draft of Address to the King, R. R. Logan Collection, Dickinson Family Papers, 357a, Library Company of Philadelphia; printed in Edwin Wolf 2nd, "The Authorship of the 1774 Address to the King Restudied," *William and Mary Quarterly,* 3rd series, XXII (1965), 203-206.

167. Richard Henry Lee, Draft, Wolf, "1774 Address to the King," *William and Mary Quarterly,* 3rd series, XXII, 206-209.

168. John Dickinson to George Logan, Wilmington, 15 September 1804, Charles J. Stillé, *The Life and Times of John Dickinson, 1732-1808* (New York, 1969), p. 145 n.

169. The sequence of events described in this paragraph rests largely on the contradictory and uncertain evidence left by Dickinson, Jefferson and John Adams early in the next century and doubtless reflects later political and personal differences. Despite this problem, the reconstruction offered here seems reasonable. See John Dickinson to George Logan, Wilmington, 15 September 1804, Stillé, *Dickinson,* pp. 143-146 n.; Thomas Jefferson to William Wirt, Monticello, 4 August [1805], Henkels, ed., "Jefferson's Recollections," *PMHB,* XXXIV, 390-391; John Adams to Thomas Jefferson, Quincy, 12 November 1813, Adams, ed., *Works of John Adams,* X, 78-80; Wolf, "1774 Address to the King," *William and Mary Quarterly,* 3rd series, XXII, 189-199.

Between 21 October and 25 October, Dickinson worked hard, producing three drafts of this troublesome petition. The first two were almost identical. After an affirmation of the devotion of the colonists "to your Majesty's person, Government & Family," they both incorporated a general statement of the "Rights & Liberties" which Americans "constantly & fully exercised & enjoyed from the first settlement of these Provinces not only without Interruption or denial, but with the Assent & Recognition of the Crown & Parliament." In them Dickinson cited colonial grievances and in what may be the second of the two said that the "Claim of a Right by the Parliament of GB. to tax the Colonists, seems to arise from an Error in considering the Obligations of English subjects in America to their Mother Country." He made his approach to George III in both of these with a dignified humility and except for the one broad assertion of the historical rights held in the dominions confined himself to specific abridgments of these liberties.[170]

For his third and final attempt Dickinson started from scratch. Although still respectful, he adopted a much firmer tone and again listed the many grievances as determined by Congress on 4, 5, and 14 October. He denied any American responsibility for the "Distresses, Dangers, Fears & Jealousies that overwhelm your Majesty's dutiful Colonists with Afflictions. . . ." Indeed, "so far from promoting Innovations, We have only oppos'd [he first wrote "refused to submit to" here] them; and can be charged with no other Crime, than that of receiving Injuries, and being sensible of them." To the contrary, the changes in the formerly tranquil Anglo-American relationship had come from Parliament and "those designing and dangerous Men, who for several Years past incessantly employed to dissolve the Bonds of Society by prosecuting the most desperate and irritating projects of Oppression. . . ." Having attributed the problem directly to Parliament and obliquely to the ministry, Dickinson avoided any explicit repudiation of the British legislature's authority; however, his several references to the nature of the imperial union made it clear that Parliament was not the tie that binds. He wrote that the colonists "presume not to solicit any Diminution of the Prerogative, nor the Grant of any new Right in our Favor. The royal Authority and our subordinant Connection with Great Britain, We shall always carefully & zealously endeavour to support & maintain"; that "Your Majesty's Authority is essential to the due Government of the Colonies," and that "your Majesty as the loving Father of your People connected by the same Bands of Law, Loyalty, Faith, and Blood, tho dwelling in various Countries. . . ." Such comments on the King's authority and prerogative and careful avoidance of any mention of a Parliamentary jurisdiction could leave little doubt that the British legislature had no consitutional powers in America.[171]

170. R. R. Logan Collection, Dickinson Family Papers, 357, Library Company of Philadelphia.

171. R. R. Logan Collection, Dickinson Family Papers, 357d, Library Company of Philadelphia; printed in Wolf, "1774 Address to the King," *William and Mary Quarterly*, 3rd series, XXII, 209-218.

The committee reported this draft to the Congress on 24 October.[172] Although it did not satisfy John Adams who described its author as "very modest, delicate, and timid," the Congress approved the text on the twenty-fifth with but a few minor alterations and changes, some of which Dickinson himself proposed.[173] On the same day, the delegates directed that the address be engrossed for their signatures for submission to George III by the agents of the colonies in England, and appointed Lee and Jay to prepare a letter to these agents. They also extended their gratitude "to those truly noble, honourable and patriotic advocates of civil and Religious liberty, who have so generously and powerfully tho' unsuccessfully espoused & defended the cause of America, both in and out of parliament," and recognized the dedicated service of Charles Thomson by ordering a piece of plate valued at £50 for him.[174]

The next morning, Wednesday, 26 October, Lee and Jay introduced a letter to the agents which asked them to present the petition to the King and to have it published in the mother country. It also requested them to arrange for the printing of the memorial to the people of Great Britain, to convey the thanks of the Congress to "the deserving objects of it," and to enlist the assistance "of all great & good men, who may incline to aid the cause of liberty and mankind." It apprised them of the tentative summoning of a Second Continental Congress for 10 May 1775 and instructed them to communicate with the speakers of the colonial assemblies in the interim. This letter and the petition to George III were sent to Benjamin Franklin, spokesman in London for Massachusetts, New Jersey and Pennsylvania, and through him to Paul Wentworth for New Hampshire, Thomas Life for Connecticut, Edmund Burke for New York, Charles Garth for South Carolina, and Arthur Lee and William Bollan for Massachusetts; Rhode Island, Delaware, Maryland, Virginia and North Carolina did not have agents at the time. The deputies then turned to a very sensitive and ticklish problem, the address to the inhabitants of Quebec.[175]

Having individually and collectively denounced the Quebec Act for its recognition of French legal institutions and Roman Catholicism, the delegates now sought to gain

172. PCC: Journal, I, 53; Ford, ed., *Journals,* I, 103.

173. Butterfield, ed., *Adams Diary,* II, 157; John Dickinson to Charles Thomson, n.d., R. R. Logan Collection, Dickinson Family Papers, 357c, Library Company of Philadelphia; PCC: Journal, I, 53; Ford, ed., *Journals,* I, 104, 115-121.

174. PCC: Journal, I, 53-54; Ford, ed., *Journals,* I, 104; Ward, ed., "Ward Diary," *Magazine of American History,* I, 442.

175. PCC: Journal, I, 54-55; Ford, ed., *Journals*, I, 104-105, 121-122.

the support of those Catholic French-Canadians in the conflict with Great Britain.[176] Written by John Dickinson, the address to the Quebecois welcomed them to a share in "the inestimable advantages of a free English constitution of government, which it is the privilege of all English subjects to enjoy." Although a royal proclamation of 1763 had guaranteed these rights to them, they "have artfully been kept from discovering the unspeakable worth of *that* form you are now undoubtedly entitled to" by the ministry. To counteract this, Dickinson, drawing heavily from Montesquieu, offered them a somewhat patronizing lesson in English liberty. From this he warned of the precariousness by which they retained their faith and customs under the legislation of 1774. Urging the example of the Swiss cantons, he recommended that Quebec lay aside its religious prejudices and protect its freedom by acceding to "our confederation, which has no other objects than the perfect security of the natural and civil rights of all the constituent members. . . ." Accordingly, they were invited to send representatives to the Second Continental Congress in May.[177] It would take more, however, than the prose of John Dickinson to overcome the wariness instilled by a century and a half of hostilities with the Protestant Yankees.

The Congress had very little more to do. The delegates signed the petition to George III, ordered the printing of the address to Quebec for dispersal by the deputies from New Hampshire, Massachusetts and New York, thanked the Pennsylvania Assembly for its "politeness to this Congress," and adjourned.[178]

That evening the delegates went together for one last time – or so some thought – to City Tavern. The laconic Washington "Set out on my return home" the next morning.[179] Ward took the day to settle his accounts.[180] John Adams, mistakenly believing that "It is not very likely that I shall see this Part of the World again," spent the twenty-seventh sight-seeing.[181] In "a very great Rain," Adams, Ward

176. For example, see Lee and Adams in Butterfield, ed., *Adams Diary,* II, 120, 154; Duane, Notes, 17 October 1774, Burnett, ed., *Letters,* I, 77-78; Resolutions of the Congress of 6 and 14 October, the Association, the Address to the People of Great Britain, and the Address to the King, PCC: Journal, I, 35, 43, 48; Ford, ed., *Journals,* I, 55, 66, 72, 76, 87-88, 117.

177. Ford, ed., *Journals,* I, 105-113.

178. PCC: Journal, I, 55; Ford, ed., *Journals,* I, 113-114.

179. Fitzpatrick, ed., *Washington Diaries,* II, 169.

180. Ward, ed., "Ward Diary," *Magazine of American History,* I, 442.

181. Butterfield, ed., *Adams Diary,* II, 157.

and others left for home on 28 October after eight weeks of deliberating in Carpenters' Hall, in various lodgings, in taverns and in private residences.[182] At Bristol that night John Adams recorded of the Massachusetts delegation that "We are as happy as We can wish"; he did not say, however, whether it was because of the achievement of the eight weeks or because of the prospect of returning to the Bay.[183]

At the close of the Congress, John Dickinson was more reflective and less happy. Writing to Arthur Lee, he correctly appraised the work of the First Continental Congress and the state of the Anglo-American union:

> The Colonists have now taken such grounds that Great Britain must relax, or inevitably involve herself in a civil war, likely in all human probability to overwhelm her with a weight of calamities, in comparison of which, *'plus quam civilae bella,'* [sic] the contentions between the Houses of York and Lancaster, or the distractions of the last century, were gentle misfortunes.
>
> A determined and unanimous resolution animates this Continent, firmly and faithfully to support the common cause to the utmost extremity, in this great struggle for the blessing of liberty — a blessing that can alone render life worth holding. . . .
>
> I wish for peace ardently; but must say, delightful as it is, it will come more grateful by being unexpected. The first act of violence on the part of Administration in America, or the attempt to reinforce General Gage this winter or next year, will put the whole Continent in arms, from Nova Scotia to Georgia.[184]

182. Butterfield, ed., *Adams Diary,* II, 157; Ward, ed., "Ward Diary," *Magazine of American History,* I, 442.

183. Butterfield, ed., *Adams Diary,* II, 157.

184. Philadelphia, 27 October 1774, Burnett, ed., *Letters,* I, 83.

Table A: Arrival Dates of Delegates in Philadelphia or at the Congress

Colony	Delegate	Date	Source
N.H.	Folsom	end of week	William Duane, ed., *Extracts from the Diary of Christopher Marshall, Kept in Philadelphia and Lancaster, during the American Revolution, 1774-1781* (Albany, 1877), p. 9.
	Sullivan	of 22 August	
Mass.	Adams, John	29 August	L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 114.
	Adams, Samuel		
	Cushing		
	Paine		
R. I.	Hopkins	31 August	John Ward, ed., "Diary of Governor Samuel Ward, Delegate from Rhode Island in Continental Congress, 1774-1776," *Magazine of American History,* I (1877), 439, 440.
	Ward	30 August	
Conn.	Deane	31 August	Ward, ed., "Ward Diary," p. 440.
	Dyer		
	Sherman		
N.Y.	Alsop	14 September	Worthington C. Ford, *et al.,* eds., *Journals of the Continental Congress, 1774-1789,* 34 vols. (Washington, 1904-1937), I, 31.
	Boerum	1 October	Ford, ed., *Journals,* I, 53.
	Duane	3 or 4 Sept.[a]	Ford, ed., *Journals,* I, 14.
	Floyd	1 September	Ward, ed., "Ward Diary," p. 440.
	Haring	26 September	Ford, ed., *Journals,* I, 42.
	Jay	3 or 4 Sept.[a]	Ford, ed., *Journals,* I, 14.
	Livingston, P.	3 or 4 Sept.[a]	
	Low	3 or 4 Sept.[a]	
	Wisner	14 September	Ford, ed., *Journals,* I, 30-31.

Table A (Continued)

Colony	Delegate	Date	Source
N.J.	Crane	1 September	Ward, ed., "Ward Diary," p. 440.
	DeHart		
	Kinsey		
	Livingston, Wm.		
	Smith		
Pa.	Biddle	3 or 4 Sept.[a]	Ford, ed., *Journals,* I, 14.
	Dickinson	resident; in Congress 17 October	Ford, ed., *Journals,* I, 74.
	Galloway	resident; in Congress 5 September	Ford, ed., *Journals,* I, 14.
	Humphreys	nearby resident; in Congress 5 September	
	Mifflin	resident; in Congress 5 September	
	Morton	nearby resident; in Congress 5 September	
	Rhoads	resident; in Congress 5 September	
	Ross	14 September	Ford, ed., *Journals,* I, 31.
Del.	McKean	by 29 August	Butterfield, ed., *Adams Diary,* II, 114.
	Read	3 or 4 Sept.[a]	Ford, ed., *Journals,* I, 14.
	Rodney	2 September	Ward, ed., "Ward Diary," p. 440.

Table A (Continued)

Colony	Delegate	Date	Source
Md.	Chase Goldsborough Johnson Paca	3 September	Ward, ed., "Ward Diary," p. 440.
	Tilghman	3 September ?	John Adams met "two Mr. Tilghmans from Maryland" on 3 September; presumably they were Matthew Tilghman, a delegate, and his brother Edward (Butterfield, ed., *Adams Diary,* II, 121). But Matthew Tilghman did not take his seat until 12 September (Ford, ed., *Journals,* I, 30).
Va.	Bland	2 September	Ward, ed., "Ward Diary," p. 440.
	Harrison Henry	4 September	John C. Fitzpatrick, ed., *The Diaries of George Washington, 1748-1799,* 4 vols, (Boston, 1925), II, 162.
	Lee	2 September	Ward, ed., "Ward Diary," p. 440.
	Pendleton	4 September	Fitzpatrick, ed., *Washington Diaries,* II, 162.
	Randolph	2 September	Ward, ed., "Ward Diary," p. 440.
	Washington	4 September	Fitzpatrick, ed., *Washington Diaries,* II, 162.
N.C.	Caswell	15 September	Richard Caswell's Itinerary, William L. Saunders, ed., *The Colonial Records of North Carolina,* 10 vols. (Raleigh, 1886-1890), IX, 1066.
	Hewes Hooper	14 September	Ford, ed., *Journals,* I, 30.
S.C.	Gadsden Lynch	22 August	*Pennsylvania Packet,* 29 August 1774.
	Middleton Rutledge, E.	10 August	*Pennsylvania Packet,* 15 August 1774.
	Rutledge, J.	29 August	Duane, ed., *Marshall Diary,* p. 9.

Notes for Table A

[a] An assumption based upon proximity of residence to the city and presence in Congress on 5 September.

A blank space indicates that the data is the same as for the immediately preceding entry.

CHAPTER 6

"Surges of Calamity"

Two days before the First Continental Congress opened on 5 September 1774, Richard Henry Lee joined John Adams for breakfast and said, "He is absolutely certain, that the same Ship which carries home the Resolution will bring back the Redress."[1] A man with a remarkable sense of political timing, Lee had worked with Thomas Jefferson, Patrick Henry and others to initiate an intercolonial system of committees of correspondence, had prepared a resolution for Virginia's call for the First Continental Congress, and on 7 June 1776 was to bring in the motion for independence to the Second. He could, of course, also misjudge the temper and mood of the moment, and more than one of his bolder proposals went down to defeat in Carpenters' Hall. His foresight failed him at that early September breakfast with Adams: no vessel returned with "the Redress." Although the Congress produced no reconciliation between Britain and her North American colonies, it yielded much more. Out of the larger event of the First Continental Congress, including the preliminary local and provincial meetings, emerged a nascent American union, an indigenous leadership for America, a basic governmental structure for the new confederation and its constituent parts, an altered nomenclature for the institutions and fabric of government, and a fresh conceptualization of the nature of representative responsibility and of sovereignty.

The response to the Congress in England reflected as much ignorance of reality as Lee's optimism and as much intransigence as the delegates' insistence upon a complete redress of all grievances. On 1 October 1774, the *Craftsman* published a letter in London which assured the ministry that the diversity of American interests made their union "a ROPE OF SAND" and that their Congress *"is begat in Convulsion and will end in Confusion."* It maintained that "the Effects of the Congress will be Distraction, Rancour, and Resentment against each other, and end with the Bostonians making Reparation and Submission, as required by Act of Parliament."[2] Although British officials took the Congress more seriously, they would not acknowledge its legitimacy. From Whitehall Lord Dartmouth, Secretary of State for the Colonies, wrote to Deputy Governor John Penn on 7 September 1774, that if the provincials had any complaints or "propositions" to make "on the present State of America, such Representation would certainly have come from each Colony with greater weight, in its separate

1. L. H. Butterfield, ed., *The Adams Papers: Diary and Autobiography of John Adams,* 4 vols. (Cambridge, Mass., 1961), II, 120.

2. Reprinted in *South-Carolina Gazette,* 5 December 1774.

Capacity, than in a Channel, of the Propriety & Legality of which there may be much doubt."[3] Three of the colonial agents to whom Charles Thomson had sent the Address to the King apparently shared Dartmouth's view; Edmund Burke, Paul Wentworth and Thomas Life refused any involvement in presenting this petition to George III, for "they had no Instructions relating to it from their Constituents."[4]

Despite the opinion of the ministry and of their agency colleagues, Benjamin Franklin, Arthur Lee and William Bollan submitted the petition to the Earl of Dartmouth for conveyance to the King. The Secretary of State "found nothing in it improper" and delivered it to George III "who had been pleased to receive it very graciously, and to command him [Dartmouth] to tell us [the agents] it contained Matters of such Importance, that, as soon as they met, he would lay it before his two Houses of Parliament."[5] Less publicly and more candidly, however, Dartmouth thought that "if the Americans expect that Great Britain will grant all their requisitions as contained in the petition of the Congress, an accommodation will never take place."[6] Moreover, he issued instructions to the colonial governors to "use your utmost endeavours to prevent" the appointment of delegates to the Second Continental Congress and "to exhort all persons to desist from such unjustifiable proceedings, which cannot but be highly displeasing to the King."[7] On 19 January 1775, the Commons met; keeping his word, the King sent up extracts of the Congress's minutes and its petition to the throne – in a bundle of 149 documents relating to American matters without any particular notice of or recommendation on the Address.

3. George Edward Reed, ed., *Pennsylvania Archives,* 4th series: *Papers of the Governors,* 12 vols. (Harrisburg, 1900-1902), III, 576-577.

4. Benjamin Franklin to Charles Thomson, London, 5 February 1775, Albert Henry Smyth, ed., *The Writings of Benjamin Franklin,* 10 vols. (New York, 1905-1907), VI, 303. Charles Garth was out of town. For the colonies represented by these agents, see above, ch. 5, p. 193.

5. Franklin to Thomson, London, 5 February 1775, Smyth, ed., *Writings of Franklin,* VI, 303-304.

6. Dennys DeBerdt to Joseph Reed, London, 6 January 1775, William B. Reed, *Life and Correspondence of Joseph Reed, Military Secretary of Washington, at Cambridge; Adjutant-General of the Continental Army; Member of the Congress of the United States; and President of the Executive Council of the State of Pennsylvania,* 2 vols. (Philadelphia, 1847), I, 102.

7. Peter Force, ed., *American Archives,* 4th series: *Containing a Documentary History of the English Colonies in North America from the King's Message to Parliament, of March 7, 1774, to the Declaration of Independence,* 6 vols. (Washington, 1837-1846), I, 1085. The instructions were dated from Whitehall, 4 January 1775.

Franklin, Lee and Bollan asked the House for a hearing on it and were denied their request.[8] So much for the seven and a half weeks of deliberations in Carpenters' Hall.

At once William Pitt, Earl of Chatham, sought to heal the breach between Britain and America. On 20 January he introduced a motion in the House of Lords which asked the King to order General Thomas Gage to remove his regiments from Boston. The peers rejected this suggestion by a vote of sixty-eight to eighteen.[9] Twelve days later he brought in a bill for resolving the dispute. It provided for an assertion of Parliament's right to make imperial laws "beyond the competency of the local representatives of a distinct Colony," a declaration that only the provincial assemblies could levy taxes for his Majesty's use, and the recognition of the approaching Second Continental Congress which should arrange for a perpetual revenue "subject to the disposition of the *British* Parliament" from the twelve dominions. Chatham's plan also called for the outright repeal of the laws extending admiralty jurisdiction, limiting jury trial in the colonies and altering trial venue. In addition, the statutes named in the American Declaration of Rights were to be suspended immediately and repealed "from the day that the due recognition of the supreme Legislative authority and superintending power of Parliament over the Colonies shall have been made on the part of the said Colonies." Finally, Chatham proposed that provincial judges should serve for terms of good behavior, not at the pleasure of the monarch. The House voted sixty-one to thirty-two in favor of a motion to dismiss Chatham's bill.[10] The Earl, reputedly a friend of the colonists and the subject of a toast at the grand entertainment for the Congress at the State House on 16 September, wanted to concede too much to the provincials for orthodox English constitutionalists. At the same time, despite Franklin's belief that the scheme afforded a basis for negotiations, Chatham's insistence on Parliament's right to legislative supremacy denied a fundamental premise of the Declaration of Rights.[11] Chatham's solution was, in fact, no solution.[12]

8. Franklin to Thomson, London, 5 February 1775, Smyth, ed., *Writings of Franklin,* VI, 304; Lawrence Henry Gipson, *The British Empire Before the American Revolution,* 15 vols. (Caldwell, Ida. and New York, 1936-1970), XII: *The Triumphant Empire: Britain Sails into the Storm, 1770-1776,* 277.

9. Force, ed., *American Archives,* 4th series, I, 1493-1498, 1504.

10. Force, ed., *American Archives,* 4th series, I, 1503-1514.

11. Franklin to Thomson, London, 5 February 1775, Smyth, ed., *Writings of Franklin,* VI, 306-307.

12. For a favorable appraisal of Chatham's plan, see Gipson, *British Empire,* XII, 281-285.

For the government Lord North proposed to the House of Commons a double-edged program of punishment and reconciliation. On 7 February 1775, both Houses of Parliament adopted an address to the King which declared "that a rebellion at this time actually exists" in Massachusetts; George III signified his concurrence with this contention three days later.[13] During the late winter and early spring of that year the British legislature also passed acts to restrain the commerce of the twelve colonies represented at the First Continental Congress, except New York and North Carolina which the ministry assumed to be loyal, and to bar the four New England provinces from the Newfoundland fisheries.[14] In addition, Parliament provided for the augmentation of the armed services.[15] With these sticks came a not very palatable carrot. On 20 February North recommended that whenever any province offered to contribute its share to the common defense and to support its civil government, it would be "proper" upon the approval of the King and Parliament "to forbear, in respect of such Province or Colony, to levy any Duty, Tax, or Assessment," except for the regulation of trade, and the proceeds of that would "be carried to the account" of the obedient dominion.[16] Although avoiding the troublesome question of right, North's plan, as David Hartley observed in the debate, "is not free but compulsory," for it coincided with the punitive measures and amounted to saying "give us as much money as I wish, till I say enough, or I will take it from you, and then to call such a proposition conciliatory for peace, is insult added to oppression."[17] The House approved North's resolution, but the fourth article of the Congress's Declaration of Rights remained unsatisfied.[18]

Other Members of Parliament tendered solutions to the controversy with America. Edmund Burke formulated his in a set of eleven resolves which the Commons rejected. It would have been equally unacceptable to a majority in the Congress too, for, like Chatham and North, Burke held to a premise of Parliamentary supremacy.[19] David Hartley also came forward with a scheme consisting of four parts, all of which

13. Force, ed., *American Archives,* 4th series, I, 1566, 1570, 1590.

14. 15 Geo. III, c. 10 and 18.

15. Force, ed., *American Archives,* 4th series, I, 1589.

16. Force, ed., *American Archives,* 4th series, I, 1598.

17. Force, ed., *American Archives,* 4th series, I, 1618.

18. For the fourth article, see above, ch. 5, pp. 175, 177.

19. Force, ed., *American Archives,* 4th series, I, 1745-1782, esp. 1748, 1758-1759, 1761-1762, 1770.

met defeat in the House. Hartley, along with the others, ultimately rested his position on Parliamentary omnipotence.[20] So long as both the ministry and the opposition insisted upon asserting this theoretical legislative subordination of the colonies to the mother country, an impasse would remain which only war and independence could break.[21]

As the British ministry, monarch and Parliament rebuffed the appeal of the Congress, assumed an intransigent stance on the basic constitutional question and prepared for war, the colonies, except New York, endorsed the proceedings of the Continental delegates. In this the Americans again strove for legitimacy by turning to the assemblies, just as they had in erecting committees of correspondence and in appointing representatives to the Congress.[22] The Connecticut legislature responded first, unanimously ratifying the actions of the Congress, directing the towns to comply with its resolutions and naming Silas Deane, Eliphalet Dyer, Roger Sherman, Titus Hosmer and Jonathan Sturgess deputies to the Second Continental Congress in early November.[23] On 5 December the Massachusetts Provincial Convention followed suit and elected John Hancock, Thomas Cushing, Robert Treat Paine, and John and Samuel Adams to the next Congress.[24] Rhode Island's General Assembly voted its acceptance of the Congress's decisions on the same day and designated Stephen Hopkins and Samuel Ward its spokesmen in the Second.[25] Between 8 and 12 December the Maryland Convention met in Annapolis where "the Proceedings of the Continental Congeess [sic] were read, considered, and *unanimously* approved." At the same time, the Marylanders chose Matthew Tilghman, Thomas Johnson, Samuel Chase, Robert Goldsborough, William Paca, John Hall and Thomas Stone to go to Philadelphia in May of the next year.[26] And on 10 December the Pennsylvania Assembly passed a

20. Force, ed., *American Archives,* 4th series, I, 1781-1794.

21. For a full discussion of the several British plans for reconciliation, see Gipson, *British Empire,* XII, ch. 11.

22. See above, ch. 2, p. 38; ch. 3, p. 60.

23. *Boston Evening-Post,* 14 November 1774; Edmund C. Burnett, ed., *Letters of Members of the Continental Congress,* 8 vols. (Gloucester, Mass., 1963), I, xli-xlii.

24. Force, ed., *American Archives,* 4th series, I, 997-999.

25. John Russell Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations in New England,* 10 vols. (Providence, 1856-1865), VII, 263, 267.

26. *Virginia Gazette* (Purdie and Dixon), 29 December 1774.

unanimous resolution endorsing "the Proceedings and Resolves of the Congress"; five days later it picked Edward Biddle, John Dickinson, Thomas Mifflin, Joseph Galloway, Charles Humphreys, John Morton and George Ross to represent the province at the Second Continental Congress.[27] Thus by the middle of December, when Lord Dartmouth received the first reports of the results of the Congress, five dominions had already signified their determination to support the challenge of the Congress to the mother country and expressed their confidence in their deputies by nominating them to the Congress summoned for May. Three of the five plantations, Connecticut, Rhode Island and Pennsylvania, achieved this through their properly constituted assemblies. Being without legislatures – and destined never to have them under royal authority again – Massachusetts and Maryland had to resort to extralegal conventions.

Despite the occasional efforts of their governors to deter them, the other colonies also formally sanctioned the position taken by the Congress. Sitting from 11 to 17 January, the South Carolina Provincial Congress gave its approval to the Continental resolutions and elected Christopher Gadsden, Thomas Lynch, Henry Middleton, and Edward and John Rutledge to the Second Continental Congress; the Commons House of Assembly confirmed these decisions on 2 and 3 February.[28] On 24 January the New Jersey House of Representatives endorsed the proceedings of the First Continental Congress and appointed James Kinsey, Stephen Crane, William Livingston, John DeHart and Richard Smith to attend the Second.[29] The next day, the New Hampshire Provincial Congress took the same action and nominated John Sullivan and John Langdon to go to Philadelphia in May.[30] Delaware's Assembly gave its approbation to "the Proceedings of the late Congress held at the City of *Philadelphia*"

27. Gertrude MacKinney and Charles F. Hoban, eds., *Pennsylvania Archives,* 8th series, 8 vols. (Harrisburg, 1931-1935), VIII, 7162, 7167. Galloway did not take his seat in the House until 13 December and thus was not present to oppose the resolution.

28. *South-Carolina Gazette,* 23 January 1775; Journals of the Commons House of Assembly of South Carolina, 1772-1775 (Library of Congress microfilm), pp. 189-192.

29. *Votes and Proceedings of the General Assembly of the Colony of New-Jersey. At a Session Began at Perth-Amboy, Wednesday January 11, 1775, and Continued Until the 13th Day of February Following. Being the Third Session of the Twenty-second Assembly of New-Jersey* (Burlington, 1775), p. 16.

30. Nathaniel Bouton, *et al.*, eds., *Documents and Records Relating to the Province [Towns and State] of New Hampshire, 1623-1800,* 40 vols. (Concord, Manchester and Nashua, 1867-1943), VII, 422. Governor John Wentworth kept the legislature prorogued until 4 May, thus it could not act; by the time it assembled, Lexington and Concord made an endorsement of the proceedings of the Congress almost superfluous.

on 15 March and selected Caesar Rodney, Thomas McKean and George Read to be its deputies at the next intercolonial conference.[31] In Virginia, the Convention "doth entirely and cordially approve the Proceedings and Resolutions of the *American* Continental Congress" on 21 March and agreed to send Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison and Edmund Pendleton to the Congress scheduled for 10 May.[32] On 5 June the House of Burgesses added the force of constitutionality to the Convention's measures by passing like orders.[33] Contrary to the expectations of the ministry, North Carolina, albeit in Convention, also announced its support of the Congress on 7 April and named Richard Caswell, William Hooper and Joseph Hewes as delegates to the Second on 5 April. The House of Assembly, all but coterminous in membership with the Convention, concurred on the seventh and was dissolved for its impudence.[34]

Of the twelve provinces represented at the First Continental Congress, only New York pursued the course favored by the crown of petition by the individual colonies for the redress of grievances. Having defeated an attempt to bring the proceedings of the Congress before the House, the General Assembly agreed to submit its own Memorial to Lords, Representation and Remonstrance to Commons, and Petition to the King on 31 January 1775.[35] Some members continued to press for some form of recognition of the Congress, but they failed. On 17 February the legislature declined to thank the province's delegates for their service in Philadelphia; on 21 February it refused to commend the colony's merchants for their obedience of the Continental Association, and on 23 February it rejected a proposal to appoint a deputation to the Second Continental Congress.[36] Finally, on 24 March it adopted a petition to George

31. Force, ed., *American Archives;* 4th series, II, 126-127.

32. Force, ed., *American Archives,* 4th series, II, 167.

33. John P. Kennedy, ed., *Journals of the House of Burgesses of Virginia, 1773-1775, Including the Records of the Committee of Correspondence* (Richmond, 1905), pp. 190-191.

34. William L. Saunders, ed., *The Colonial Records of North Carolina,* 10 vols. (Raleigh, 1886-1890), IX, 1184-1185, 1181-1183.

35. *Journal of the Votes and Proceedings of the General Assembly of the Colony of New-York; Began the 10th of January 1775, And adjourned the 3d April, to the 3d of May following* (New York, 1775), pp. 23, 28.

36. *New-York Votes and Proceedings, 1775,* pp. 43, 45, 50.

III, and the following day it approved the appeals to Lords and Commons.[37] The fate of the New York petitions fully justified the united defiance of propriety by the other plantations. On Monday, 15 May 1775, the House of Commons voted against a motion by Edmund Burke, the colony's agent, that the Representation and Remonstrance "be brought up."[38] Three days later the Lords would not even permit the Memorial to be read.[39] The King received the Petition "with the most gracious expression of regard, and attention to the humble requests of his faithful subjects in *New York,*" but disliked the tone of the addresses to Parliament.[40] Clearly, "the only constitutional method of obtaining redress," through the "legal Representatives in Assembly" singly, would not work.[41]

Soon after the New York legislature dispatched its constitutionally correct but futile appeals to the mother country, a Convention gathered at the Exchange in New York City. This body, too, failed to endorse the proceedings of the First Continental Congress; however, it did appoint delegates to the Second. On 21 April the Convention selected the men who had represented the province in September and October to be its deputies in May, except Isaac Low who refused to attend the Convention and was consequently ineligible. They lost another member when John Haring declined the election. To assure a full complement for the next Congress, they added Lewis Morris, Philip Schuyler, George Clinton, Francis Lewis and Robert R. Livingston to the deputation.[42]

With the action of the New York Convention, the twelve dominions of the First Continental Congress engaged themselves to send delegations to the Second. To be sure, New York as a province did not ratify the propositions of the Congress, but local committees did enforce the Association. Thus from New Hampshire to South Carolina, continuity – a great step in the direction of permanence – was assured and the decisions of the Congress assumed the shape of *de facto* law. Furthermore, in nine of

37. *New-York Votes and Proceedings, 1775*, p. 105.

38. Force, ed., *American Archives,* 4th series, I, 1819-1822.

39. Force, ed., *American Archives,* 4th series, I, 1837-1842.

40. The Earl of Dartmouth to William Tryon, Whitehall, 23 May 1775, Force, ed., *American Archives,* 4th series, II, 677.

41. Dartmouth to Tryon, Whitehall, 23 May 1775, Force, ed., *American Archives,* 4th series, II, 677.

42. Force, ed., *American Archives,* 4th series, II, 357-358.

the twelve colonies, the legal representatives of the people approved the proceedings and recommendations of the First Continental Congress and appointed deputies to the Second, thereby attaching an extraordinary degree of constitutionality to the entire protest movement.

On 4 July 1775, the one colony, Georgia, which had not sent delegates to Philadelphia in September, somewhat belatedly held a convention. In sessions lasting until the seventeenth, the Georgia Provincial Congress both resolved to "adopt and carry into execution all and singular the measures and recommendations of the late Continental Congress" and chose John Houstoun, Archibald Bullock, Noble Wimberly Jones, Lyman Hall and the Reverend Dr. John Joachim Zubly to speak for the plantation in the Congress which had convened in May.[43] The American union, at least in embryonic form, was completed.

While the provinces one after another recorded their approbation of the constitutional and economic program submitted by the First Continental Congress, most of the counties, towns and cities of America elected committees of inspection to supervise the implementation of the Continental Association. The duties performed by these committees varied a great deal as diverse community needs required and opinion allowed. In the ports their primary concern was the enforcement of the nonimportation provisions of the Association. From every province evidence remains that they took notice of unpatriotic price increases, discouraged the butchering of sheep, frowned upon "publick Balls and Entertainments," discountenanced hoarding, purchased gunpowder, censored the press, occasionally levied taxes, investigated Tories and collected supplies for Boston.[44] In short, they did everything which a loose construction of the Association and commitment to the cause permitted.[45]

The work of the committees, of course, did not meet with universal favor. A Philadelphian complained that "they aimed at a general revolution, and were promoting every measure to overthrow our excellent Constitution; – drunk with the power they had usurped, and elated with their own importance, they were determined

43. Force, ed., *American Archives,* 4th series, II, 1546-1549.

44. Force, ed., *American Archives,* 4th series, I, 1010, 1022, 1034, 1061, 1100, 1145, 1193, 1235.

45. For a very full description of the work of the committees, see David L. Ammerman, "The First Continental Congress and the Coming of the American Revolution" (unpublished Ph.D. dissertation, Cornell University, 1966), chs. 6-9.

on nothing so much as to increase discord and confusion."[46] In New York, Samuel Seabury protested that the Congress and the committees had established "a *tyranny,* not only over the *actions,* but over the *words, thoughts,* and *wills,* of the *good people of this province,*" and that "*Mobs* and *riots* are encouraged, in order to *force* submission to the *tyranny of the Congress.*"[47] The Association also caused embarrassment and inconvenience to the colonists. William Hooper, a delegate from North Carolina, regretted "a mistaken zeal" which prevented the sale of an opposition pamphlet in Philadelphia and observed, "Strange Infatuation, that while we contend with enthusiastick ardor for the liberty of the press, ourselves, that we should with such an intolerating spirit deny it to others, It is a strange freedom that is confined to one side of a Question."[48] Jefferson, intending "to be a conscientious observer" of the agreement, promised to turn over to a Virginia committee "14. pair of sash windows to be sent me ready made and glazed with a small parcel of spare glass to mend with" which had been unavoidably delayed in coming from England.[49] Yet others responded with ridicule. From London Arthur Iredell wrote to his brother James in North Carolina of the news that the women of Edenton had sworn off tea and asked, "Is there a Female Congress at Edenton too? I hope not, for we Englishmen, are afraid of the Male Congress but if the Ladies, who have ever since the Amazonian Era, been esteemed the most formidable Enemies, if they, I say, should attack us, the most fatal consequences is to be dreaded."[50] Despite abuses, anger, awkwardness and derision, the colonists seem to have acquiesced in the conduct of the committees which increasingly took on the full functions of local government as the Anglo-American crisis worsened and royal authority collapsed.

46. Force, ed., *American Archives;* 4th series, I, 1232.

47. *An Alarm to the Legislature of the Province of New-York, Occasioned by The present Political Disturbances, in North America: Addressed To the Honourable Representatives in General Assembly Convened,* in *Letters of a Westchester Farmer (1774-1775),* ed. Clarence H. Vance, *Publications* of the Westchester County Historical Society, VIII (1930), 155.

48. To James Duane, Philadelphia, 22 November 1774 (transcript), Bancroft Collection, New York Public Library.

49. Thomas Jefferson to Archibald Cary and Benjamin Harrison, Monticello, 9 December 1774, Julian P. Boyd, ed., *The Papers of Thomas Jefferson* (Princeton, 1950-), I, 154-155.

50. Queen Square, London, 31 January 1775, Charles E. Johnston Collection, North Carolina Department of Archives and History.

The Association did not remain in effect very long. On 15 July 1775, the Second Continental Congress had to make exceptions to the nonimportation and nonexportation provisions in order to obtain and pay for much needed munitions.[51] As John Dickinson had feared the day after the First Continental Congress adjourned, "The first act of violence on the part of Administration in America . . . will put the whole Continent in arms. . . ."[52] On 19 April 1775, a detachment of troops from General Gage's Boston garrison committed that "first act of violence" at Lexington and Concord, and the constitutional impasse of more than a decade was in effect broken.

Although Lexington and Concord represent the failure of the Congress's efforts "to restore between Great Britain and the Colonies that harmony so necessary to the happiness of the British Empire and so ardently desired by all America," much came out of it and the numerous meetings preceding its deliberations in Carpenters' Hall.[53] Of greatest significance, of course, was the union of the twelve hitherto completely discrete provinces. This certainly occurred to the men who summoned and attended the Congress. In May of 1774 a Providence gathering issued the first call for the Congress "for establishing the firmest Union"; in June, Morris County, New Jersey, favored "promoting an Union, by forming a general Congress," and on 16 September the Continental delegates drank a toast at the Pennsylvania State House to "Perpetual Union to the Colonies."[54] Indeed, it can be argued, as Abraham Lincoln did in his

51. Edmund C. Burnett, *The Continental Congress* (New York, 1964), p. 93.

52. To Arthur Lee, Philadelphia, 27 October 1774, Burnett, ed., *Letters,* I, 83.

53. National Archives and Records Service, Records of the Continental and Confederation Congresses and the Constitutional Convention, Record Group 360, Item 1: Rough Journals, 1774-1789, I: 1774, 33; Worthington C. Ford, *et al.*, eds., *Journals of the Continental Congress, 1774-1789,* 34 vols. (Washington, 1904-1937), I, 53.

    On the method of citing this collection in this study, see above, ch. 3, p. 62, fn. 5.

54. *Providence Gazette and Country Journal,* 21 May 1774; *New-York Gazette and Weekly Mercury,* 4 July 1774; *Virginia Gazette* (Purdie and Dixon), 6 October 1774. See also, John Adams, *Novanglus,* Charles Francis Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author,* 10 vols. (Boston, 1850-1856), IV, 35; Silas Deane to Patrick Henry, Wethersfield, 2 January 1775, *The Deane Papers,* I: *1774-1777, Collections* of the New-York Historical Society, XIX (1886), 38-39; Thomas Jefferson, Draft of Resolution concerning Adherence of New York to Articles of Association [24 March 1775], Boyd, ed., *Jefferson Papers,* I, 159.

First Inaugural Address, that "The Union is much older than the Constitution. It was formed in fact, by the Articles of Association in 1774."[55]

No small part of the creation of this union entailed the reduction of the mutual suspicion which plagued the colonies. To be sure, the Congress could not completely eradicate this in less than eight weeks, and the delegates of 1775 "who had been members the year before, that is, in 1774, and now met the same gentlemen again, I assure you had great reasons for doubts and apprehensions, fears and jealousies."[56] Nevertheless, the gatherings of September and October 1774 in and out of Carpenters' Hall, over papers, dinners and Madeira, went far to remove these intercolonial tensions. Men from various provinces and sections found that they could work with one another in a common cause. More importantly, they had many opportunities to become acquainted as men and to gauge loyalties and abilities. Without this, it seems unlikely that they could have confronted the crisis of the spring of 1775 with such determination or have selected the diffident and quiet Washington as Commander-in-Chief of the Continental Army with such confidence and speed.[57]

In addition to Washington, the First Continental Congress yielded up a core of men who were to lead the country for the next quarter century.[58] Before 1774, precious few of them had advanced beyond the lower house of the assembly; after 1774, they fought a war, established new governments and occupied a wide range of offices. This achievement represented more than a simple secession from the mother country. It also demonstrated the existence of a native body of men with the capacity to govern and realized the ideal of coincident social, economic and political hierarchies. Most significantly, it evinced the maturity and essential stability of American society.

Through the First Continental Congress these men fashioned a basic structure of government for the union. Although without any coercive power, the Congress assumed to itself, particularly in the Association, some of the functions of a national

55. Richard N. Current, ed., *The Political Thought of Abraham Lincoln* (Indianapolis, 1967), p. 172.

56. John Adams to James Lloyd, Quincy, 24 April 1815, Adams, ed., *Works of John Adams*, X, 163.

57. On personal contacts, see George W. Corner, ed., *The Autobiography of Benjamin Rush: His "Travels Through Life" together with his Commonplace Book for 1789-1813* (Princeton, 1948), pp. 110-112.

58. For the governmental experience of the delegates to the First Continental Congress before and after 1774, see above ch. 3, pp. 98-101; 115-122.

legislature and can be seen as the apex of a federal pyramid consisting of the Congress, equal member dominions and the subordinate counties and town of the colonies. Indeed, in urging the selection of local committees to enforce the Association, the Congress transcended the jurisdiction of the constituent provinces and operated directly on the people. Furthermore, the absence of legitimate authority did not in practice inhibit its real power, for many colonists shared the view of Christopher Leffingwell that the recommendations of the Congress "give laws to this whole Continent, laws like unto those of the Medes and the Persians. . . ."[59] In Philadelphia and Pennsylvania, Governor Josiah Martin of North Carolina discovered "the Laws of the Congress seemed to be paramount, very few daring to whisper disapprobation of them. . . ."[60] The Congress had clearly become more than a conference of autonomous colonies.

The transformation of the Congress from an intercolonial meeting to a legislature of sorts effected a change in the nomenclature of governmental institutions and the definitions of words. Upon the accomplishment of legitimacy with independence and of constitutionality with the Articles of Confederation, the Continental Congress retained the title adopted in early September 1774, and the word congress came to mean a national legislature as well as a conference of equal states. Another fifteen years passed before the term president took on the connotation of chief executive as well as presiding officer, but as an American political post it too originated in the Congress. The long debate on the Anglo-American constitution, which elicited the call for the First Continental Congress, even altered the meaning of the word constitution from a description of what a government is to a set of fundamental principles of what a government should be.

More abstractly and more importantly, the preparations for the First Continental Congress and its opening sessions involved consideration of the problems of representation and sovereignty. A Philadelphia essayist urged the appointment of delegates to the Congress by the several assemblies or, failing that, by conventions specifically elected for that purpose. He thought that the approaching struggle with Britain "will be continued for a long time; and we cannot be too early in giving regularity and stability to our proceedings." This necessitated consultation with the populace, for "a *supposed* or *implied* assent of the people is not an assent to be

59. To Silas Deane, Norwich, 22 August 1774, *Correspondence of Silas Deane, Delegate to the First and Second Congress at Philadelphia, 1774-1776, Collections* of the Connecticut Historical Society, II (1870), 140.

60. To the Earl of Dartmouth, New Bern, 10 March 1775, Saunders, ed., *Colonial Records of North Carolina*, IX, 1156.

regarded or depended on. They must be represented actually – not 'virtually.' "[61] Signifying a marked difference from English practice, this concern reflected both the responsibility of deputies to their constituents and the locus of sovereignty. Throughout the spring and summer of 1774, men in towns, counties and provinces operated on the assumption that their delegates to various assemblies, including the Congress, spoke directly for them and consequently were subject to their instruction – another departure from the English theory of representation. Other men sought the same end by advocating "Rotation" in office or "a new election annually."[62] All of this rested on the premise that sovereignty resided ultimately with the people. More specifically, "THE AMERICAN CONGRESS derives all its Power, Wisdom, and Justice, not from the Scrowls of Parchment signed by Kings, but from the PEOPLE."[63] This, too, diverged more than a little from the English and American loyalist supposition that the "right of colonists to exercise a legislative power, is no natural right. They derive it not from nature, but from the indulgence or grant of the parent state. . . ."[64] To be sure, the First Continental Congress neither first raised these issues nor resolved them; however, they were never far from the surface in the call for the Congress, in the debates in Carpenters' Hall and eventually in the destruction of the Anglo-American connection.

The history of the First Continental Congress, its prelude and aftermath, also contains a tragic dimension. On both sides of the Atlantic there was an appalling ignorance. In England this ranged from a ministerial conviction "that all was fluctuating" in the colonies "and that a little longer Perseverance would triumph over the Factions, as they are called, and bring the whole Continent to full and unconditional Submission," to Lieutenant Arthur Phillip's suggestion that with a sloop and "such small Vessels, as may be Necessary" he could put "a Stop to the Clandestine

61. Force, ed., *American Archives,* 4th series, I, 441.

62. James Warren to John Adams, Plymouth, 14 July 1774, *Warren-Adams Letters, Being chiefly a correspondence among John Adams, Samuel Adams, and James Warren,* I: *1743-1777, Collections* of the Massachusetts Historical Society, LXXII (1917), 28. See also, John Adams to James Warren, Ipswich, 25 June 1774, Adams, ed., *Works of John Adams,* IX, 339.

63. *Virginia Gazette* (Purdie and Dixon), 24 November 1774.

64. [Samuel Seabury], *A View of the Controversy Between Great-Britain and her Colonies: Including a Mode of Determining their present Disputes, Finally and Effecually; and of Preventing all Future Contentions,* in *Letters of a Westchester Farmer,* ed. Vance, *Publications* of the Westchester County Historical Society, VIII, 111.

trade, which has for Some time been Carried on in america. . . ."[65] In the provinces it extended from a failure to appreciate the economic changes in the mother country which rendered the sanctions of the Association ineffectual in 1774-1775, to an exaggerated perception of American unity.[66] Ignorance fostered confidence and intransigence, leading Britons and Americans to take decisions which could only end in war. Some of the delegates to the Congress, including one who had miscalculated many times in September and October, foresaw this; on 30 December 1774, Joseph Galloway observed, "The Parliament is now sitting – The Proceedings of the American Congress with the Resolves of all the Provincial Congresses and County Committees are before them: The Spirit of American Independency breathing throughout all of them will be painted in the strongest oratorical Colours, and the Necessity for vigorous and firm Measures to subdue it urged with Success, and Supplies granted to carry them into effectual Execution, Fleets and Troops will cross the Atlantic early in the Spring. . . ."[67] With more grace and conciseness, Euripides wrote on the eve of the Peloponnesian War:

landing place
Is none from surges of calamity.[68]

65. Benjamin Franklin to Charles Thomson, London, 13 March 1775, Smyth, ed., *Writings of Franklin,* VI, 316; John Antill to , New Bond Street, Friday Noon [1775], PCC, Item 51: Intercepted Letters, 1775-1781, I, 1-2.

66. Gipson, *British Empire,* XII, 293-294.

67. To , Trevose (transcript), Miscellaneous Manuscripts: Galloway, New-York Historical Society.

68. *Medea,* l. 279 (trans. Arthur S. Way, Loeb Classical Library Euripides [Cambridge, Mass., 1958], IV, 305).

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