THE ORIGIN OF THE FIRST CONTINENTAL CONGRESS

1773  1774

by

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INTRODUCTION

There is considerable justification for discussion of the period from the passage of the Tea Act of 1773 until the calling of the First Continental Congress as a cohesive unit in the history of the American movement toward independence. This span of seventeen months is set off both from the previous period and the one which followed it. The years just prior to the Tea Act have generally been seen as a time of peace and quiet in British-American relations. To be sure, colonial radicals continued their incessant activity and crowned their efforts with the beginnings, in 1773, of the system of committees of correspondence. On the whole, however, it is fair to say that, in the three years before the passage of the Tea Act, there arose no issue of sufficient magnitude to create the continent-wide protest which the radicals desired. The period which begins with the meeting of the First Congress also marks a new phase in the American "revolutionary movement." For the first time there was a publicly chosen body, assured of widespread popular support, which could serve as the policy-making organization for the whole continent in
the struggle against Britain. The enormous importance of this development scarcely needs to be stressed. The purpose of this study, then, is to see how this change came about and how the relative tranquility of the early 1770's was swallowed up in a new period of turmoil.

Secondary interpretations of the calling of the First Continental Congress have varied considerably. At one extreme there is the opinion, advanced by Burnett in *The Continental Congress*, that it was largely the work of radicals. Conversely, Becker, in his *History of Political Parties in the Province of New York*, and Dawson, in *The History of Westchester County*, perhaps because of their concentration on New York, emphasize the conservative nature of the call for the first Congress. In between the two extremes there are many other opinions. Schlesinger, in *The Colonial Merchants and the American Revolution*, emphasizes the "spontaneous," grass-roots nature of the desire for a Congress. Frothingham, in *The Rise of the Republic*, laid stress on the unanimous support for the Congress among the leaders of colonial opinion. As in many cases of historical interpretation, the most valid answer is probably something of a compound of divergent views.

It is hoped that this study will show that the calling of a Congress was a pet project of the radicals, even before the passage of the Tea Act. Yet the conservatives in
New York and Philadelphia were active in issuing the call for the first Congress at the time of the Intolerable Acts. The radicals, who had been defeated in their plan for the immediate adoption of non-intercourse with Great Britain, entered whole-heartedly into the movement for a continental Congress. Furthermore, hundreds of local meetings during the summer of 1774 demonstrated the widespread popular support for such a gathering. If the calling of the Congress was not as "spontaneous" as Schlesinger believes, there was nevertheless a vigorous grass-roots movement on the local level without which any meeting of leaders might have been merely an empty gesture. This nearly unanimous approval, however, of the calling of the Congress did not mean that there was general agreement on its proper function. Events prior to the meeting of the Congress made it apparent that questions of basic policy would be the subject of vigorous disputes in Philadelphia.

A word should be said, perhaps, about the definition of terms, "radical" and "conservative." For the purposes of this study, the sense of these words is to be restricted to a description of attitudes of Americans toward Britain. In general, the radicals are those who desire vigorous measures of opposition to Great Britain while the conservatives attempt to avoid such action. Questions of social philosophy do not enter into such a definition of the terms.
Thus, John Adams may be classified as a radical, even though
his social views were definitely conservative. So long as
this restricted definition of terms is kept in mind, their
use in this paper should not cause confusion.
CHAPTER ONE

The Role of the Tea Act

I. Passage of the Act.

The Tea Act of 1773 was born of the difficulties of the mighty East India Company. For several years the company had been under attack for its maladministration, graft, and extravagance in India. The company was also in serious financial trouble, and in 1772 a parliamentary investigation revealed that the company's obligations in England exceeded the amount of the funds available in the London treasury for payment.\(^1\) During 1772 the company was forced to request the government for loans to relieve its distress, but those granted were insufficient to cause any great change for the better.\(^2\) In 1773 the government undertook a thorough-going revision of the administrative and

\(^1\) Report from the Committee of Secrecy appointed by the House of Commons . . . to enquire into the State of the East India Company, (London, 1773), 11-28.

financial policies of the company. This phase of the affairs of the East India Company is, however, beyond the scope of this study. But the question of tea bulks large in the difficulties of the Company, and it was the British government's efforts to deal with this problem which led to the passage of the Tea Act of 1773, and in turn to the Intolerable Acts, the first Continental Congress, and, ultimately, to the outbreak of armed rebellion.

In the Revenue Act of 1767 a duty of 3 pence per pound had been levied on tea imported into the American colonies, one of the Townshend Duties. At the same time a drawback of all English inland and importation duties was granted on tea exported to the American colonies or to Ireland.\(^3\) In a sense, however, the government took away with one hand what it had given with the other, for the company was required to indemnify the Treasury for any loss of revenue resulting from the drawback of the English duties. It was expected that since the company would be able to lower its price for tea, increased sales would make possible the payment of this indemnity. Unfortunately for the company the desired increase in sales to the colonies was not forthcoming. Because of the non-importation agreements American imports of dutied tea dropped from 877,193-1/2

\[^3\] The following discussion of the provisions of the various tea acts is largely based, unless otherwise noted, on Max Farrand, "The Taxation of Tea, 1767-1773," *American Historical Review*, 3(1898): 266-269.
pounds in 1768 to 97,719 pounds in 1770.  

In recognition of the company's inability to make the indemnity payments required under the Act of 1767, the Tea Act of 1772 was passed. This act abolished the indemnity requirement but reduced the drawback to three-fifths of the English duties. Even this relief failed to have the desired effect, and by the spring of 1773 stocks of unsold tea in the London warehouses of the company amounted to more than 17,000,000 pounds. According to figures given by McPherson this would have been a normal supply for two or three years. With these facts in mind Lord North offered to Commons, in April, 1773 a set of resolutions regarding the East India Company. Three of them were embodied in a bill which received the royal assent on May 10, 1773. This was the Act which became familiarly known as the Tea Act of 1773.

The major provisions of the Act were two. The drawback on tea exported to the colonies was once again increased to the full amount of the English duties without

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any requirement for an indemnity; and the company was permitted, upon license from the Treasury, to export tea directly to the colonies without offering it for sale in England so long as total stocks of tea in England did not go below ten million pounds. The Act said nothing about the three-pence American duty; therefore, it remained in effect.

During the same session of Parliament which passed the Tea Act some efforts had been made to obtain a repeal of the American import duty on tea. For instance, William Bollan, agent of the Massachusetts Council, reported that he had submitted to Lord Dartmouth and Lord North a petition drawn up by "An intelligent worthy friend, who is largely concerned in the tea trade," pointing out that "the duty was prejudicial to the India Co. & the Kingdom."[7]

Barlow Trescothick observed, during the same session, in connection with the increase of tea sales in North America, "that the most effectual method to obtain this point would be to take off the import duty in America . . . the income arising to the Revenue from this duty appearing no great amount."[8] There was at least some expectation that the duty


would be repealed. Franklin wrote, "It was thought at the beginning of the session, that the American duty on tea would be taken off." A London dispatch dated April 8, 1773 stated flatly, "It is now pretty certain the tea act will be repealed." Yet, despite these expectations the duty was retained.

This leads naturally to the question of the motive of the British ministry in passing the Tea Act while allowing the duty to remain in effect. Was it merely a measure of relief for the East India Company, or was it also a clever political trick designed to force acceptance of the duty by the recalcitrant Americans? Since the Americans, under the new provisions, would probably have been able to purchase tea at a fraction of its cost to the English consumer, it is possible to argue that Lord North and his advisors were relying on the principle of self-interest to force Americans to buy the dutied tea, whatever may have been their political convictions in the matter. Ultra-patriotic historians of the Bancroft-Frothingham school have usually accepted this interpreta-

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10 Maryland Gazette, June 17, 1773.

11 Farrand, American Historical Review 3:269.
tion. Some color is lent to this view by the oft-quoted anecdote told by John Almon to the effect that the tea sent to America was not the inferior Singlo variety with which the Company was overstocked but rather the saleable Bohea which could easily be disposed of in England. Almon further reports that it was the ministry which ordered the company to send the tea most likely to be sold, "presuming that the temptation to purchase being greater by the offer of good tea . . . some . . . might be thereby induced to barter liberty for luxury." To further objections on the part of the directors, Lord North replied, "It was no purpose making objection, for the _____ would have it so," and added "that the _____ meant to try the question with America." 12

This view of the question has been attacked by Becker, among others. He points out that Almon's Anecdotes "is not an authority of great value in general," and concludes that the directors apparently arrived at the decision to ship the tea independently of the ministry since the law did not make the export of tea under its provisions mandatory. 13

Lord North himself was reported to have denied that there


13Carl I. Becker, The History of Political Parties In the Province of New York, 1760-1776 (Edison, 1909), 100.
was any scheme to enforce the duty; in fact, "the duty had entirely escaped his attention." One can scarcely credit this statement at full face value since it was made after the execution of the Act had resulted in active and violent American resistance.

Indeed, there is at least a possibility that the Tea Act was, at least in part, a political trick. As for Becker's point that the India Company directors arrived of their own volition at the decision to send tea to America, it might be argued that this contention is not necessarily valid. In view of the difficulties under which the company was laboring and its need for government assistance, might not the Directors have been willing to follow the government's wishes? Or further, might not the Board have been well packed with friends, or even members, of the ministry? There is also some evidence to support Almon's contention about the varieties of tea sent to America. A Mr. Palmer, whose advice was solicited by the company, pointed out that it was the inferior Singlo tea with which the company was over-loaded and said that the American agents should push the sale of this variety.  

14 The Massachusetts Gazette and Boston Weekly Newsletter, May 26, 1774.

15 Francis S. Drake, Tea Leaves. Being a Collection of Letters and Documents relating to the Shipment of Tea to the American Colonies in the year 1773 by the East India Company (Boston, 1864), 241.
Yet, strangely enough, the same Mr. Palmer, when requested by the Company to make up an assortment of teas for America, advised a total shipment of 1586 large chests of Bohea and only 290 small chests of Singlo, together with smaller quantities of other varieties. Such evidence, of course, is hardly conclusive, but it is suggestive to say the least.

Without really definite evidence to the contrary, one must, perhaps, accept the view that the motive for passing the Tea Act was the obvious one of aiding the India Company. Many Americans in England, nevertheless, together with Englishmen who wrote to Americans, viewed the Act as an attempt to establish the American duty, and this was the impression which they transmitted to influential correspondents in America. Their influence may well have been of crucial importance in determining the nature of the American reaction. This position is firmly supported by Thomas Hutchinson who said, referring to the period just after the arrival of news of the Tea Act in America, "... the first suggestion of a design in the ministry to enlarge the revenue, and to habituate the

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16 Drake, *Tea Leaves*, 245. There is reason to believe that the Company followed Palmer's advice closely, since the total amounts in his assortment agree almost to the pound with the actual shipments as indicated by the freight bills printed in Drake, 256-257.
colonies to parliamentary taxes was made from England."

A few examples will suffice to show how strongly letters from England did convey the impression that the Act was designed to enforce the duty. Franklin, certainly the most influential American abroad, wrote, "... now the wise scheme is, to take off so much duty here as will make tea cheaper in America than foreigners can supply us, and to confine the duty there, to keep up the exercise of the right." William Bollan, whose efforts to obtain a repeal of the duty have been noted, told the Massachusetts Council that his "hopes of success were not inconsiderable for some time, but at length they failed, for which I know no reason, save that, according to my information, it was not that fit to continue this tax as a badge of sovereignty over you." Arthur Lee spoke of "the scheme which is carrying into execution of insidiously obtaining from us the duty on tea..." In July, 1773, John Norton of London told the Virginia Committee of Correspondence that


18 Smyth, Franklin, 6:57.


some of the India Company Directors had told him of the plans to send tea to America, "which Government seems to approve, but they suspect their motives are to make a cat's paw of the Company, and force them to establish the 3d. per pound American duty." Finally, an anonymous correspondent wrote from London:

To prevent this (i.e., the bankruptcy of the company) and at the same Time to gain the favourite point of subjecting the colonies to the payment of taxes ... the scheme was devised of the Company's sending their tea to America, subject to no Tax but that imposed by the Parliament on its arrival there. This was thought a masterly stroke of the Ministry, whereby they might accomplish their design on America, and at the same time sell the East-India Company's tea.

Such advice as these were no doubt welcome news to colonial radicals who through the agency of "the committees of correspondence in the several colonies soon availed themselves of so favorable an opportunity for promoting their great purpose."23

Whatever may have been the motives of the ministry and the company, the latter determined to apply for a license

21 Frances Norton Mason, John Norton & Sons, Merchants of London and Virginia (Richmond, 1937), 337.

22 The Pennsylvania Gazette, Feb. 9, 1774.

23 Hutchinson, History, 3:303.
to export tea to America under the provisions of the Tea Act. 24 This decision apparently was not reached without opposition and misgivings. In addition to the statement of John Norton, quoted above, there was a report that the scheme had been vigorously opposed in the Board of Directors by the Duke of Richmond and others. 25 There is, indeed, one statement to the effect that the final decision to ship the tea was carried by only one vote. 26 In any event, the decision was made and on August 20, 1773 the license was issued by the treasury. 27

In the meantime the company had gone ahead with preparations for shipment, collecting advice on tea consumption in America, on terms of sale and security, and on proper persons to be agents for the tea in America. Even in these transactions there seem to have been a few discouraging notes. One of the company's advisers feared that there would be opposition in some of the Provinces "upon a surmise that Government is aiding in this plan, and mean to establish principle and right of taxation, for

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the purpose of a revenue. . ." 28 This gloomy view, however, was probably not general, for there was no dearth of London merchants who offered their American correspondents as agents for the company. On August 4, even before the treasury license was granted, the company announced the names of the American consignees. 29 Terms of the transaction were to be as follows: the tea would be shipped at the risk of the East India Company but the London merchants furnished security for their American correspondents; the consignees in America were to receive a commission of six per cent plus two per cent for the "risk of exchange;" and receipts were to be remitted to London in ninety day bills of exchange within two months from the date of sale. 30 On this basis trial shipments were prepared for Boston, New York, Philadelphia, and Charleston. Although there seems to have been some difficulty in obtaining ships to carry the tea, arrangements were finally completed; and the ships sailed during late September and early October. The fate of the enterprise could now be decided only in America.

28 Drake, Tea Leaves, 221.
29 Ibid., 238.
II. American Opposition.

Americans of the late eighteenth century were great consumers of tea according to all contemporary reports. Estimates of consumption varied widely, perhaps the most generous being that of the Hutchinsons in Boston who asserted that the annual consumption in America was well over 6,000,000 pounds.\(^{31}\) Gilbert Barkly, one of the Philadelphia consignees, arrived at a figure of 5,703, - 125 pounds per year calculated on a basis of 1,000,000 tea drinkers in America each consuming one-quarter of an ounce per day.\(^{32}\) Samuel Wharton, brother of one of the Philadelphia agents, made a similar estimate of about 5,000,000 pounds per year.\(^{33}\) William Palmer, the previously mentioned London tea merchant, set the figure at 3,264,000 pounds, an admittedly conservative estimate. Using his own estimate, Palmer figured that if all of this tea were legally imported from England, the annual revenue collection, based on the 3d. American duty, would be £40,800 sterling. The annual profit to the company would


\(^{32}\)Ibid., 200.

\(^{33}\)Pennsylvania Magazine of History and Biography, 25(1901):140.
be, he calculated, £39,320 sterling, based on a selling price of 2s. 6d. per pound, Boston currency.34

The potentialities of a handsome customs revenue and a neat profit to the East India Company were in sharp contrast to the realities of the American tea trade in the years 1768-1773. Non-importation agreements, while not rigidly adhered to, were effective in sharply reducing the American imports on dutied tea. From January 5, 1768 to January 5, 1773 Americans imported 1,866,016-1/4 pounds of tea through the customs house.35 For the same period the indicated consumption, based on Palmer's conservative figure, was not less than 16,320,000 pounds. In other words, not more than eleven and a half per cent of the tea used in America during the period 1768-1773 was legally imported from England. This fact, of course, was similarly reflected in the revenue collections on tea which amounted to only a small fraction of what they should have been. Such a situation must have been highly unsatisfactory both to the ministry and to the company. True, the government might console itself to some degree with the fact that, by allowing even small amounts of dutied tea to be imported the Americans were giving tacit, if not theoretical, recog-


nition of parliamentary authority to tax the colonies. But in terms of money to carry out the ministry's design of raising a revenue in the colonies to provide for the payment of civil officials, the meager colonial duty payments on tea meant little. Not many colonial officials' salaries could be paid out of the £3,413, for instance, which was the amount of collections from the tea duty in 1771.

Obviously, then, most of the tea used by Americans was supplied by illegal imports, mainly from Holland. Testimony on this point is so universal and unanimous that it will be unnecessary to stress it heavily. Just a few examples may serve to illustrate. The Hutchinsons complained that "the Holland traders gain on us every day." 36 Another letter from Boston reported that "the great importation from Holland, principally through New York and Philadelphia, keeps down . . . the sale of teas from England." 37 Joseph Reed of Pennsylvania wrote to Lord Dartmouth that, although no tea was being imported through the customs into Philadelphia, it was both plentiful and cheap. 38 Similarly, in New York Governor Tryon


testified to the extent of smuggling. Only by underselling the Dutch teas could the English hope to reassert their position in the American tea trade. This the Tea Act of 1773 would have made possible if the Americans had chosen to allow its provisions to be executed.

The news of the passage of the Act arrived in the colonies during the last half of July, 1773. Judging by the newspapers the act appears to have aroused little excitement initially. Thomas Hutchinson says that "when the intelligence first came to Boston, it caused no alarm." This early apathy may have been due to a general ignorance of the provisions of the Act, or possibly to a disbelief that the Company would take advantage of its provisions. Some early newspaper reports had advanced the latter possibility when telling of the difficulties encountered by the Company in obtaining ships. By late September, however, it was definitely known that shipments of tea were being prepared for the colonies. This news,


40Pennsylvania Gazette, July 21, 1773.

41Hutchinson, History, 3:303.

42Maryland Gazette, Aug. 26, 1773; Penn. Gazette, Sept. 29, 1773.
coupled with the letters from England previously mentioned, brought about the organized and active opposition to the scheme which will be the subject of the succeeding paragraphs.

Philadelphia was the first city to take active, public measures against the importation of the tea. Early in October there appeared a handbill signed "Scaevola" which equated the tea agents with the old stamp commissioners and said that, therefore, they should resign. On the 16th of October a public meeting was held at the State-House; as far as is known, this Philadelphia meeting was the first on the Continent called to discuss the tea question. The antecedents of this meeting are somewhat obscure, although there is a possibility that Col. William Bradford and other radical leaders were instrumental in calling it. The result of this gathering was the unanimous passage of a series of resolutions asserting that: (1) The freeman has an inherent right to dispose of his own property, and the parliamentary claim to the right of taxation violates this principle; (2) The duty on

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tea constitutes forced contributions; (3) The express purpose of the tax is to render the assemblies useless, and to introduce arbitrary government; (4) Opposition to the ministerial plan is a necessity and duty of every American; (5) The tea scheme is "an open attempt to enforce this ministerial plan, and a violent attack upon the liberties of America"; (6) It is the duty of every American to oppose the attempt; and (7) Anyone aiding in the attempt is an enemy of America. The eighth resolution appointed a committee to visit the consignees and ask them to resign.45

In accordance with this final resolution the committee requested the resignations of all of the consignees who were in Philadelphia. The firm of Thomas and Isaac Wharton replied that they "would do nothing to injure the property of the India Company or enslave America." This statement was received with great satisfaction by the committee and public.46 The firm of James and Drinker apparently failed to give a satisfactory answer, for as late as December 2 a card appeared demanding that the public be informed "whether you will or will not, renounce all Pretensions to execute that Commission," so that the public might regulate its

45Penn. Gazette, October 20, 1773.
46Drake, Tea Leaves, 277.
actions accordingly. This threat must have elicited the desired response; it was reported that Abel James gave to a large crowd of citizens "the guarantee of his word and property that the tea should not be landed, but that the ship should go back to England." Jonathan Browne, another consignee, seems to have resigned without protest since there is no report of any public disapproval of his actions. Still another agent, Gilbert Barkly, had been in England and was, in fact, aboard the tea ship on the way to Philadelphia.

Meanwhile the town was awaiting impatiently the arrival of the Folly, which was known to have sailed from England on the 27th of September with the tea for Philadelphia. A "Committee for Tarring and Feathering" published handbills warning the Delaware pilots not to bring the ship up the river and threatening its Captain with "a halter around your neck . . . ten gallons of liquid Tar decanted on your pate. . . with the feathers of a dozen wild geese laid over that to enliven your appearance." Dissatisfaction was also expressed with the

48 Frank M. Etting, An Historical Account of the Old State House of Pennsylvania now Known as the Hall of Independence (Boston, 1876), 70n.
merchants who had raised the price of tea in view of the anticipated shortage. A committee appointed to deal with the matter reported that the retailers had unanimously agreed to keep the price under 6s. 6d. per pound. 50

The long-awaited Polly finally put in its appearance at Chester on the evening of December 25 where Gilbert Barkly, the absent consignee, disembarked and resigned his commission as soon as he was told of the Philadelphia proceedings. A committee from the town had been dispatched th meet the ship at Chester, but by the time they arrived she had sailed up-river. Captain Ayres, however, dropped anchor below the city and went ashore to make inquiries. When told of the resolutions of the citizens, he announced that he would return to England without attempting to enter the cargo at the customs house if a public meeting directed him to do so. A hastily convened gathering, which was said to have numbered at least 8000 people, passed a series of resolutions ordering Captain Ayres to return to England, commending the merchants who were allowing other goods to return with the tea ship, and applauding the actions of the citizens of New York, Charleston, and Boston in opposing the tea scheme. Captain Ayres readily agreed to comply and set sail for England after provisioning his ship. The

50 Penn. Gazette, Dec. 8, 1773.
newspaper account concluded exultantly:

Thus this important affair, . . . , has been brought to a public issue, by which the force of law, so obstinately persisted in, . . . , for the sake of the principle on which it is founded, (a right of taxing the Americans without their consent,) has been effectually broken, and the foundation of American liberty more deeply laid than ever.\textsuperscript{51}

In Charleston the opposition seems to have been much slower to get under way. The editor of The South Carolina Gazette seems to have been active in arousing resentment, printing articles from Northern papers in the absence of any indigenous propaganda pieces.\textsuperscript{52} In the absence of adequate primary material for the study of South Carolina it is difficult to say how much excitement there really was in Charleston. A newspaper dispatch dated November 22 said that the inhabitants desired "that all the merchants in this town would endeavor themselves to the rest of the people, by an immediate voluntary agreement and resolution, never to import a single pound of tea more" while the duty was still in effect.\textsuperscript{53} There were, however, no public meetings before the tea actually arrived.

Action was precipitated by the appearance on December 1,

\textsuperscript{51}\textit{Penn. Gazette}, Dec. 29, 1773.

\textsuperscript{52}\textit{Leila Sellers, Charleston Business on the Eve of the American Revolution (Chapel Hill, 1934)}, 322.

of the London carrying 257 chests of East India Company tea. A public meeting was called for Friday afternoon, December 3 at which the consignees, Roger Smith and the firm of Leger and Greenwood, resigned their commissions. It was also voted that the tea should be returned.\(^{54}\)

There was some dissatisfaction with the meeting, some persons "having alleged that what had been taken as the determination of the Meeting, was actually against the sense of the Majority then present."\(^{55}\) Consequently, another public meeting was called for the 17th. In the meantime committees were busy obtaining signatures to a merchant agreement not to allow the tea to be landed and one among planters promising not to use tea. Little is known about the success of these agreements, except that that the one for merchants was claimed to have at least fifty "respectable" signers.\(^{56}\)

At the meeting on the 17th it was again voted not to allow the tea to be landed; but, as in the earlier meeting, "the warmth of some were great, many were cool, and some differed in the reasonableness and utility thereof."\(^{57}\)

\(^{54}\)Penn. Gazette, Dec. 22, 1773.

\(^{55}\)John Drayton, Memoirs of the American Revolution... As Relating to the State of South Carolina (2 vols., Charleston, 1821), 1:97.

\(^{56}\)Penn. Gazette, Dec. 22, 1773.

\(^{57}\)Bull to Dartmouth, Dec. 24, 1773, in Drake, Tea Leaves, 340.
Those who favored allowing the tea to be landed pointed out that no previous opposition had been made to the importation of dutied tea when imported by private merchants and "that on the very day, when the first meeting of the people had taken place. . . ., parcels of tea were landed from Captain Curling's ship—-that the duty had been paid on them --and they had even passed by the meeting of the people, in the conveyance to their respective owners."

Under an old English law it was provided that any dutied articles on board a vessel might be seized by the customs for non-payment of duty twenty days after the remainder of the cargo had been entered at the customs house. Thus, the tea on board the London would be liable for seizure on the 22nd, the remainder of its cargo having been properly entered on the 2nd. In anticipation of an attempt at seizure "some warm, bold spirit" sent threatening letters to Captain Curling who immediately referred them to Lieutenant Governor Bull, the acting governor. The council, summoned to advise the governor, told him to instruct the sheriff to be ready to aid the customs collector in the seizure of the tea. They were of the

58 Drayton, Memoirs, 1:98.
59 Drake, Tea Leaves, 340-341.
opinion that no further steps could be taken to prevent violence. At sunrise on the 22nd the customs officials began unloading the tea and by noon it had all been moved to the Exchange where it was stored in the basement. Despite the threats of violence it was reported by John Morris, the comptroller of the customs, that "there was not the least disturbance; the gentlemen that came on the wharf behaved with their usual complaisance and good nature to me, and I believe the same to the rest of the officers that were there."  

Without more evidence than is available, it is not possible to say definitely why the tea was allowed to be landed. It is true that from the beginning the Charleston opposition seems to have less vigorous than that of the other cities. A letter which was reprinted in several of the northern newspapers explained the landing of the tea by saying, suggestively, "that a difference had arisen between the merchants and the planters, and that through private animosity, public duty was neglected." Tempting though it might be, it is useless to try to build up a complete case for a merchant-planter split on the basis

60 Drayton, Memoirs, 1:115-117.
61 Morris to brother, Dec. 22, 1773, in Drake, Tea Leaves, 342.
62 Penn. Gazette, Jan. 12, 1774.
of this one quotation. And even the existence of such a split would not necessarily explain why the elements opposed to the landing of the tea did not simply take matters into their own hands. Was it lack of organization, audacity, or numbers which prevented vigorous action? No answer to this question has yet been found. It should be pointed out, however, that the storing of the tea constituted resistance which, in its practical effect, was fully as effective as that taken by any other city. No duty was paid on it, and it remained in storage until 1776 when it was sold for the benefit of the revolutionary state government. Furthermore, it is hard to see how the British government could have found grounds for any punitive measures if the opposition in other cities had been as circumspect as it had been in Charleston. Indeed, this fact may suggest a reason for the adamant refusal of radicals elsewhere to consider any proposal for the storage of the tea.

In New York, as well as Philadelphia, there was relatively early opposition to the Tea Act. During October articles appeared in Holt's Journal, a radical paper, denouncing the Act as a political trick. The first public

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63 David D. Wallace, A Chapter of South Carolina Constitutional History (Publications of the Vanderbilt Southern Historical Society, No. 4, Nashville, 1900), 5.

64 Becker, New York Parties, 104.
meeting was held on October 15 at which time public thanks was voted to a number of New York captains who had refused to take the East India Company's tea on board in England. Subsequently there seems to have been some lapse in the agitation which may possibly be explained by a general feeling that no further attempt would be made to send tea to New York after the rebuff offered to the plan by the New York captains.

New activity was stimulated in late November by the arrival of a packet bringing news that a shipment of tea was on the way. On November 24 the consignees were publicly requested to resign. The "Mohawks" issued a handbill on November 27 which threatened an "unwelcome visit" to anyone who aided in the storing of the expected tea. More important, on November 29 there appeared a document called "The Association of the Sons of Liberty." It denounced the importation of tea from England as an attack on American liberties, declared that anyone who aided in the scheme was an enemy of America, and promised non-communication with violators of the resolves.

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65 *Penn. Gazette*, October 27, 1773.


67 *Penn. Gazette*, Dec. 8, 1773.

Apparently a radical document, the "Association" was nevertheless phrased in terms moderate enough to attract support among the conservatives.\textsuperscript{69} It is not known how many people signed the document. Sentiment was strong enough, however, to force the agents to resign on December 1 and to turn over to Governor Tryon and the council the responsibility for the protection of the tea.\textsuperscript{70} At this time Tryon was still hopeful that the tea might be landed, although the "General Voice" was "no Sales, no consumption while the American Duty remains unrepealed by Parliament."\textsuperscript{71}

A public meeting was called on the 16th of December in order to reinforce the sentiment against the landing of the tea. Control of this meeting was in the hands of radicals of the Lamb, Sears, McDougall stripe.\textsuperscript{72} John Lamb read letters from Boston and elsewhere, and a committee was chosen to answer them.\textsuperscript{73} The "Association" was read and adopted "nem. con." The mayor and recorder then delivered a proposition from the governor, offering to store the tea in the fort until definite orders came for its disposal.

\textsuperscript{70} Drake, \textit{Tea Leaves}, 305-306.
\textsuperscript{71} Tryon to Dartmouth, Dec. 1, 1773, in O'Callaghan, \textit{New York Colonial Documents}, 8:403.
\textsuperscript{73} Isaac \ O. Leake, \textit{Memoir of the Life and Times of General John Lamb} (Albany, 1850), 77-79.
This offer was rejected with a general "no, no, no," and there was likewise a general negative when the chairman put the formal question on the landing of the tea. With this action the meeting adjourned. 74

Conservatives seem to have been dissatisfied by the failure of the "Association" and the meeting to take an unequivocal stand against the use of force in opposing the landing of the tea. At any rate, Isaac Low and Jacob Walton began on the 20th to circulate a new document which expressed general adherence to the principles of the "Association" but specifically repudiated the use of force. 75 Success in obtaining signatures to the new agreement must have been less than spectacular, for on December 27 the ex-agents wrote a letter to the captain of the tea-ship to be delivered to him when he arrived at the Hook. They advised him to return to England without entering his ship at the customs inasmuch as the inhabitants were determined not to allow the tea to be landed. 76 Even Tryon, who had once been hopeful of the prospects of landing the tea, now told Dartmouth that landing and storing it safely "could be accomplished but under the Protection of the Point of


75 Force, American Archives, 4th series, 1:254n.

76 Drake, Tea Leaves, 358.
the Bayonet and Muzzle of the Cannon." 77

Weather at sea intervened to postpone the climax of the New York resistance. The tea-ship Nancy was blown off its course by violent storms, and Captain Lockyer put in at Antigua for the winter. But it was only a postponement. On April 18 the Nancy appeared off the Hook where she dropped anchor. A committee of the Sons of Liberty met the captain, and he promised not to bring his ship up to the wharf and to make no attempt to enter the cargo at the customs house. 78

In the meantime a report had arrived to the effect that a Captain Chambers was soon due in port and that he had on board 18 chests of tea. This was hard to believe, for Chambers was one of those captains who had received public thanks for their refusal to carry tea the previous summer. The report, however, was quite definite, and a committee was appointed to meet Chambers' ship when it arrived. He appeared off the Hook at noon on Friday, April 22. Confronted by the committee's accusations, he denied having any tea on board and showed his cockets which indicated that there was no tea in the cargo. He was allowed to proceed to the wharf where he again denied any knowledge of the tea.

77 Tryon to Dartmouth, Jan. 2, 1774, in New York Historical Society, Collections, 1923, 200.

78 Rivington's New York Gazetteer, April 21, 1774.
Finally, upon threats of having his whole cargo unloaded in a search for the tea, he confessed and produced the cockets which he had hidden. The committee then escorted Chambers to Mr. Francis' tavern where the committee and the owners of his ship questioned him further. He admitted that he was the sole owner and shipper of the tea. Although the "Mohawks" were prepared to take care of the tea "at a proper hour," some impatient citizens, inspired no doubt by the example of Boston, took the job into their own hands about eight o'clock in the evening, entered the ship, and dumped the tea overboard. The next morning Captain Lockyer left the city escorted by a large crowd and a band playing, incongruously enough, "God Save the King."

When the committee of observation reported that he had sailed from the Hook, it was also announced that Captain Chambers had gone with him as a passenger. Thus New York had its belated tea-party and was able to demonstrate that its zeal in the cause of American liberty was not less than Boston's.

It goes without saying that the Boston Tea Party is one of the most publicized episodes in American history. Yet there is much that remains unclear, especially in the organization and direction of the mob which destroyed the tea. It is possible, however, to trace the main outlines

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79 Rivington's New York Gazetteer, April 28, 1774.
of the events as they occurred. Opposition in Boston followed close on the heels of that in New York and Philadelphia. There was newspaper propaganda during October, both indigenous and imported. Although official notification of the factors' names did not arrive until mid-November, it was generally, and correctly, known that they were Thomas and Elisha Hutchinson, Richard Clarke and Sons, Benjamin Faneuil, and Joshua Winslow. There was, at first, "no apparent resentment against the factors," but on the first of November they were requested by letter to appear at the Liberty Tree at noon of the third to publicly resign their commissions.80 Notices announcing this meeting were posted about the town on the first of November; they requested the public to attend to hear the consignees resign and swear that they would reship any teas to them.81

The origin of this meeting is not clear, but it would probably be a good guess that the North End Caucus had something to do with it. As early as October 23 the Caucus had voted to "oppose the vending any Tea, sent by the East India Company. . ."82 By November 2, the resolution had been changed to a determination not to allow the tea to be landed. Another resolution which is even more significant

80 Clarke & Sons to A. Dupuis, Nov., 1773, in Drake, Tea Leaves, 280-282.
81 Ibid., 282; Penn. Gazette Nov. 17, 1773.
in indicating the connection of the caucus to the meeting of November 3. It voted "that a committee be chosen to draw a resolution to be read to the Tea Consignees to-morrow 12 o'clock, noon, at Liberty Tree: and that Dr. Thos. Young and Church, and Warren be a committee for that purpose."  

It appears likely, then, that the Caucus was a moving spirit in the first public, if extra-legal, proceedings against the tea.

The consignees decided not to attend the meeting at the Liberty-Tree. Instead they gathered at the Clarkes' warehouse in the forenoon "to endeavour, with the assistance of a few friends, to oppose the designs of the mob, if they should come to offer us any insult or injury."  

At one o'clock the expected mob appeared outside the warehouse; and a committee of nine, headed by William Molineux, entered the counting room to reproach the consignees and to demand that they sign a paper promising not to land the tea, to pay no duty thereon, and to return any East India Company tea in the same bottom in which it came. Incidentally, the composition of this committee offers another striking illustration of the connection of the Caucus club with the whole affair: of its nine members there is only one

83 Elbridge H. Goss, The Life of Colonel Paul Revere, 2:642.

84 Drake, Tea Leaves, 284.
who is not listed as being a member of the North End Caucus in March 1772. Upon the indignant refusal of the consignees to comply with the ultimatum, the members of the committee retired, and the mob broke into the warehouse. The embattled agents with their friends succeeded "by some vigorous efforts" in preventing the mob from entering the second-story counting room. After this repulse the mob dispersed and allowed the defenders to go to their homes unmolested. On Thursday, November 4 a threatening letter was put under the door of Benjamin Faneuil, announcing that it was "the last warning you are ever to expect from the insulted, abused, and most indignant vindicators of violated liberty in the Town of Boston." This communication, as well as the others referred to, was signed, "O. C., Secr'y, per order."

The next step in the campaign against the execution of the Tea Act was the calling of a legal town meeting which convened on Friday, November 5. John Hancock was chosen moderator, and it was voted to adopt the Philadelphia resolves of October 16. A committee was sent to demand the resignation of the consignees, but it could not obtain

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85 Goss, Paul Revere, 2:635-636.
86 Drake, Tea Leaves, 284-286.
87 Faneuil to Brook Watson, n. d., Ibid., 292-293.
an answer because some of them were out of town. A second committee was sent to demand an answer of those who were in Boston. This time the consignees replied that they could not make any commitments because they had not received official notice of their appointments and they had no knowledge of the terms on which the tea was being shipped. This answer was unanimously voted unsatisfactory, and the meeting adjourned until the next day. On Saturday, a letter from the Hutchinsons at Milton was read to the meeting, conveying, like their fellow agents, a refusal to commit themselves to any course of action. The answers of both groups of consignees were then voted "daringly affrontive" to the town, and the meeting adjourned.  

Throughout November the propaganda war was waged with undiminished violence, and the consignees continued to be harassed by threats and mob violence. The most serious incident was an attack on Richard Clark's home on the evening of the 17th. No one was injured, but much damage was done to the property. Such actions prompted the agents to petition the governor and council to protect them and to

88 A Report of the Record Commissioners of the City of Boston, Containing the Boston Town Records, 1770 through 1777 (Boston, 1887), 143-145.

take measures for the safe landing of the tea when it should arrive. The council, in several warm sessions, finally agreed on a report advocating legal proceedings against the rioters but refusing to have anything to do with protecting the tea.

In a meeting on the 18th of November, the town had once more formally requested the consignees to resign; and they had once again refused to give a definite answer. Nothing new occurred until the first of the four expected tea-ships, the "Dartmouth," arrived on Saturday, November 27. Immediately public notices were posted inviting the citizens of neighboring towns, as well as Boston, to meet at Faneuil Hall on the 29th. This extra-legal gathering, known to some as "The Body," had been preceded by joint meetings of the Committees of Correspondence of Boston and the surrounding towns. The "Body" made possible a wider base of support for radical measures since it was purely a mass meeting and voting privileges were not restricted to the legal voters of the various towns represented. The meeting convened on schedule and immediately adjourned to the Old

South Meeting House because of the size of the crowd.

During the first day of a busy two-day session the "Body" voted that the tea must be sent back in the same bottom in which it had come, arranged for a volunteer guard for the Dartmouth and the other tea-ships which were expected shortly, and censured Gov. Hutchinson's conduct as carrying "a designed reflection upon the people here met."

On the second day a letter from the consignees was read in which it was stated that their London correspondents had entered into such engagements on their behalf that they could not comply with the town's wishes to send the tea back. They did, however, express their willingness to store the tea while awaiting instructions from London.

Sheriff Greenleaf was then allowed to read a message from the Governor requiring the meeting to disperse. The proclamation having been greeted with "a loud and very general hiss," the meeting continued its deliberations. Captain Hall of the Dartmouth promised that he would not assist in unloading the tea and announced his willingness to return to England with the tea on board. Mr. Rotch, the owner of the Dartmouth, agreed under protest to the determination to send the tea back. Owners of two of the other expected vessels, John Rowe and a Mr. Timmins, promised that the tea would not be unloaded from their ships while they were in charge. The meeting then adjourned with miscellaneous
resolutions which, among other things, condemned the merchants who had imported dutied tea, thanked the "neighboring members" of the meeting, and appointed a committee to transmit the proceedings to New York and Philadelphia. 94

There seems to have been a possibility that the first teaship could have been sent back without entering at the customs house, just as was to be the case in Philadelphia. Hutchinson says that the ship anchored below the Castle, when it first arrived. A committee of the town, headed by Sam Adams, met Captain Hall and the owner who were ordered "...at their peril, to cause the ship to be brought up to town, and to a particular wharf, where it had not been customary for ships from London to unlade." 95 If this account can be credited, it would demonstrate that the radicals had already decided on the destruction of the tea or at least had fully considered the possibility of such an action. They must have known enough about the temper of Hutchinson and the customs officers to realize that they would not, in all probability, permit the ship to clear the harbor with the tea still on board once it had been entered at the customs house. Thus, the radicals were making it practically certain that violent action of some

94 Drake, Tea Leaves, 324-331.
95 Hutchinson, History, 3:308.
sort would have to be taken to prevent the seizure of the tea for nonpayment of the duty at the end of the twenty day waiting period.

In any event, the **Dartmouth** was properly entered at the customs, presumably on the 28th. This would have made the tea liable for seizure on the 17th of December. As the deadline approached Rotch was asked by a committee whether he was preparing to send the ship back. He replied that his promise to do so had been given under pressure and that he would not apply for a pass or a clearance. Consequently, the "Body" was summoned to meet at Old South on Tuesday afternoon, December 14. The first action of the meeting was to demand that Rotch go to the collector of the port to demand a clearance. A committee of ten went along to make sure that he did as he was told. The collector postponed his answer, saying that he must first confer with the comptroller. Upon receipt of this news the meeting adjourned until Thursday morning.

At the Thursday morning session Rotch announced that the collector had definitely refused to give a clearance as long as any dutiable articles remained on board. Thereupon Rotch was ordered to get the ship ready for sea, and

then to go to Milton to demand a pass from the Governor. At three o'clock in the afternoon the "Body" met again after a brief adjournment. At five o'clock Rotch had still not returned from Milton, but the meeting was held in session. In 45 minutes Rotch returned and announced that the Governor would not give a pass until the ship had cleared the customs. There was a general demand for dissolution, and Sam Adams is then reported to have uttered his cryptic words, "This meeting can do nothing more to save the country." The band of "Mohawks" appeared as if in response to a signal, and the crowd followed them to the wharf and watched silently while they went efficiently about the business of destroying 342 chests of tea on board the three tea-ships which were tied up together. No damage was done to any other property, and the crowd dispersed quietly.97

The violent act in Boston harbor aroused mixed reactions in America. Radicals everywhere rejoiced. Sam Adams exclaimed jubilantly, "You cannot imagine the 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 & his tools."98

97 Drake, Tea Leaves, 334-336.
Many towns in Massachusetts quickly voted approval of the Boston action and banned either the use of all tea or of all dutied tea. Among the first to act were Charlestown, Medway, Ipswich, Watertown, and Townshend. In subsequent months upwards of thirty other towns followed suit. Several towns in New Hampshire and Rhode-Island, among them Portsmouth, Providence, and Newport, adopted resolutions similar to those of Philadelphia against the importation and use of tea. The Philadelphia meeting which had ordered Captain Ayres to return to England with the tea had also, as we have seen, given specific and unanimous approval to the conduct of the citizens of Boston.

It is only fair, on the other hand, to point out that there was a strong current of reaction against the violent destruction of property in Boston. In general, conservatives everywhere were shocked to the bottom of their property-loving souls and were justly apprehensive of the consequences of the tea-party. Even in Boston, John Rowe, who could scarcely be called a "tool of Hutchinson," expressed strong disapproval. Just after the tea party had occurred he wrote in his diary, "...this might I believe have been prevented. I am sincerely sorry for the Event." Several months later his opinion was even stronger: "The people have done amiss and no sober man
can vindicate their Conduct." Several towns in New England passed resolutions of censure. Marshfield, Massachusetts voted on January 31 that "the late measures and Proceedings in the town of Boston... were illegal and unjust and of a dangerous tendency." Freetown, in the same province, protested against "anarchy and disorder" and castigated the "Body" for not preventing the destruction of tea. Pittsfield felt that Boston's conduct was "unnecessary and highly unwarrantable" and instructed its delegate in the House of Representatives to "manifest the abhorrence and detestation which your constituents have of the said extraordinary and illegal transaction." Littleton, Massachusetts, without making specific reference to the tea party, implied its disapproval by dismissing its committee of correspondence from further service. Weston expressed similar disapproval on January 13, 1774 when it refused, "By a very great Majority," to appoint a

99 Anne Rowe Cunningham, Letters and Diary of John Rowe (Boston, 1903), 258, 274.

100 The Massachusetts Gazette and the Boston Post-Boy and Advertiser, January 31-February 7, 1774.


102 Joseph E. A. Smith, The History of Pittsfield, Mass-achusetts, from the year 1734 to the year 1800 (Boston, 1869), 185.

103 Boston Evening Post, Jan. 17, 1774.
committee of correspondence. The town of Hinsdale, New Hampshire expressed its sentiments in a series of caustic resolutions, of which the sixth is a fair sample: "It is the opinion of this Town, that if half the Time that is idly spent in hearing Lectures from patriotic Enthusiasts, was spent in promoting Peace, Harmony, and Good Order, in cultivating the Land, and in encouraging Industry and Agriculture, it would add greatly to the true interest of this Country."

Even though such towns were greatly in the minority in New England, there were enough of them to show a significant amount of disapproval of the Tea Party.

From outside of New England, too, there came expressions of disapproval of Boston. Although the public meeting in Philadelphia had given unanimous approval to Boston's actions, Thomas Wharton felt that this had been a result of the heat engendered by the vigor of Philadelphia's own proceedings against the tea. As "the substantial thinking part" of the inhabitants had time to reflect there appears to have been a great change in sentiment. "I have heard," said Wharton, "almost every man who has conversed with me on the subject, disapprove thereof and declare that the Bostonians must and ought to pay the India Company for the

\[104\] Mass. Gazette and Newsletter, Jan. 20, 1774.

James Madison of Virginia applauded the Philadelphians but wished that "Boston may conduct matters with as much discretion as they seem to do with boldness." A citizen of Charleston preened himself on the peaceful solution of the problem by his city and added, "I could wish the town of Boston had taken this legal way of destroying theirs, as it is equally effectual." North Carolina, of course, was not directly concerned with the tea scheme, but even there a Moravian chronicler commented that "most of the people considered the acts of the Colonies as madness, though there were some who approved of what had been done." Benjamin Booth of New York, in a public letter to Charles Thomson, perhaps summed up the America reaction to the tea party most effectively: "Many persons of strong passions and heated imaginations, justified and applauded the conduct of the Bostonians, but those of truly honourable and virtuous principles, shrunk back at the idea of admitting such an


108 Penn. Gazette, June 29, 1774.

outrage as the test of true patriotism."\(^{110}\)

III. Source of the Opposition.

To attempt to determine the nature of the opposition to the Tea Act is important, for it is obvious that the Americans did not rise up as one man, spontaneously, unurged, to defeat the wicked designs of the company and ministry. It may have been true that the majority of Americans did not like the Act; there may not have been, as Thomas Wharton said, "one man in a hundred... to be met with who approved of the sending the tea, while the duty was to be paid here." But it must be assumed that it took organization, planning, and direction to transform this sentiment into an active and highly successful campaign against the importation of the tea. Who was behind this campaign? Who supplied the organization, planning, and direction? To these questions an attempt will be made to suggest a valid answer.

Two groups stand out as logical candidates for the honor, if such it is, of being the prime movers in the opposition to the Act. First, there are the merchants, both those who imported tea legitimately from England and those who

\(^{110}\) New York Gazeteer, July 7, 1774.

\(^{111}\) Wharton to Thomas Walpole, October 30, 1774, in Drake, Tea Leaves, 276.
smuggled it from Holland. The former had cause to fear the Act because it allowed the company to ship its tea directly to America, thus abolishing the necessity for all of the English and most of the American middlemen. The latter might well be alarmed since English tea, under the new arrangements, could have undersold the smuggled Dutch product. Furthermore, there was the possibility that the East India Company's monopoly of tea might in the future be extended to other commodities. The second major group which might be expected to offer resistance to the importation of tea were the colonial radicals, those who had consistently opposed the extension of British authority over the colonies. To them the Act seemed to be a political trick to enforce the duty, a duty which they opposed both on theoretical and practical grounds. As we have seen, the customs revenue would have been enriched by a very respectable sum if all the tea used in America had paid the 3d. duty. This money, applied to the payment of royal officials in the colonies, would have gone a long way toward rendering the official establishment independent of the colonial assemblies. Then too, the radicals, now in possession of a mature, intercolonial organization in the committees of correspondence, must have been eager to "try the question" with the mother country. The Tea Act gave them the issue of continental scope for which they had been searching. These two major groups, then, appear to have had the most logical basis for initiating
opposition to the importation of tea. As usual, no one seems to have consulted the poor consumer who faced only the unpleasant prospect of paying less for his tea.

The view that the merchants were behind the opposition to the Act has been advanced with much force by Arthur M. Schlesinger in his book, *The Colonial Merchants and the American Revolution*. His treatment of the tea episode follows the general thesis of his book; i.e., that the merchants initiated the opposition in order to obtain repeal of a measure which injured their commercial interests. Political principles were unimportant except as they were used as propaganda weapons to gain popular support for the merchants' campaign. Objection to the 3 pence duty was used purely for its popular effect, since it was the monopoly possibilities of the Act which alarmed both legitimate dealers and smugglers. He analyzes a good deal of contemporary propaganda which points up the monopoly features of the Act and therefore concludes that such arguments prove that it must have been the merchants who were behind the opposition. True, he does admit that in some cases, especially Boston, the merchants were unable to control the tide of opposition which they had created. Hence, the use of violence and the destruction of property which the merchants deplore. This, in general, is the Schlesinger thesis. More specific refer-
ference will be made to it hereafter. 112

While this thesis seems quite plausible there are
many objections to it. Some general points will be considered
first, followed by a more specific discussion of the resis-
tance in the various cities. It is admitted that most of
the merchants probably did not like the Tea Act, but is dis-
like necessarily to be equated with active opposition?
It is also admitted that the monopoly argument was used
frequently, but it is hardly necessary to assume that this
argument could be used only by merchants. It is quite
as reasonable to assert that the argument was used by radical
propagandists in order to stimulate the merchants to action.
The monopoly argument, too, would have been an effective
propaganda weapon among the general populace, especially
the English with their anti-monopoly traditions. That it
was so used is evidenced by a handbill circulated in Phila-
delphia specifically directed to the tradesmen and mechanics
and asserting that if the East India Company establishes its
monopoly, the shipbuilding and allied trades in Pennsylvania
would be destroyed.113 And to say, as Schlesinger does,
that "protests against 'taxation without representation' were

112 Arthur M. Schlesinger, The Colonial Merchants and
the American Revolution, 1763-1776 (New York, 1919), 262-304.
113 Penn. Gazette, December 8, 1773.
made chiefly for rhetorical effect, is to ignore numerous contemporary assertions of the importance of the argument against the duty.

It might easily be argued that the merchants, as a class, would have more economic interest in remaining aloof from any active opposition to British measures. After all, "the mercantile classes depended for their business chiefly on the orderly conduct of overseas trade, especially with the mother country." And in the specific instance of the Tea Act, it might be argued that legitimate traders could scarcely have any practical stake in opposition. After all, they were only doing, at most, ten per cent of the tea business of the continent; and the economic damage done to them by the successful execution of the Act would probably have been relatively small. The smugglers, to be sure, had an economic interest in opposing the Tea Act, and some contemporary observers were convinced that they had a great deal to do with the movement against the scheme. One anonymous correspondent in Boston wrote, "Nor can I be of opinion that the uneasiness is fomented, if not originated, principally by those persons concerned in the Holland trade." From New York Tryon wrote

114 Schlesinger, Merchants, 273.


116 Drake, Tea Leaves, 261.
to Dartmouth, "So let the Tea appear free or not free of duty, those who carry on illicit trade will raise objections, if possible, to its being brought on shore or sold."\textsuperscript{117} One more quotation will suffice to illustrate the point: "The introduction of the East India Company's tea is violently opposed here by a set of men who live shamefully by monopolizing tea in the smuggling way."\textsuperscript{118} But not all merchants were smugglers, and it may be reasonable to doubt whether those who were had either the numbers or the organization to make their influence of critical importance in the opposition to the Tea Act.

In the Philadelphia episode the chief evidence for Schlesinger's point of view is contained in a statement of Charles Thomson which begins, "When the merchants led the people into an opposition to the importation of the East India Company's Tea..." But Schlesinger does not point out that the quotation goes on to indicate that the radicals moved just as rapidly to take the opposition out of the hands of the merchants to prevent their dropping it when their purposes were served.\textsuperscript{119} Furthermore, it might be pointed out that this assertion of Charles Thomson was written at least 30 years after the event, and it may perhaps

\begin{itemize}
\item \textsuperscript{117}Tryon to Dartmouth, Nov. 3, 1773, in O'Callaghan, N.Y. Colonial Documents 8:400.
\item \textsuperscript{118}"A New York Merchant" to William Kelly, Nov. 5, 1773, in Drake, Tea Leaves, 269.
\item \textsuperscript{119}New York Hist. Soc., Collections, 1878, 279.
\end{itemize}
be discounted on that score. On the other hand, there is a good deal of contemporary evidence, much of it from the pen of Thomas Wharton, to the effect that the opposition was chiefly political, not economic, in nature. As early as October 5, 1773 he wrote, "... some persons immediately declared, that as the duty was still retained, that, tho' small, yet it as implicitly fixed the power and established the badge of slavery, as if it had been greater." On October 30 he declared that "a great number of people acknowledged the right of the East India Directors to export their teas to America," which is, of course, inconsistent with Schlesinger's monopoly argument. The same letter goes on:

... nothing less than a confirmed belief that the admitting this mode of taxation would render the assemblies of the people mere cyphers, could have induced them to proceed in the manner they have done.121

And after the tea had been sent back, Wharton had no doubts whatsoever that the tea would be received if the duty were removed. In a letter to Thomas Walpole he requests the latter to use his influence to have the Whartons reappointed tea agents in case there was a shipment after the duty has


been repealed.\textsuperscript{122} And, again, in a letter to his brother Samuel Wharton, he expressed the same sentiments, although he complained bitterly about the conduct of his fellow consignees, James and Drinker, and hoped that he brother would use his efforts to have them replaced by Willing and Morris if there should be another shipment of tea.\textsuperscript{123}

According to the Schlesinger argument, the repeal of the duty would not have made the slightest difference; the merchants would still have opposed the scheme. Yet it seems only reasonable to suppose that Wharton, a leading merchant of Philadelphia, would have been aware of any active opposition among his brother merchants to the monopoly features of the Act.

"At New York, as elsewhere," says Schlesinger, "the merchants were active in stirring up opposition to the East India Company's shipments."\textsuperscript{124} In view of the extent of smuggling in New York this might seem to be a reasonable statement. There is, however, little to support this assertion beyond the anti-monopoly propaganda in the newspapers and Governor Tryon's statements about the influence of the smugglers. It should be pointed out that at least Tryon

\begin{itemize}
\item \textsuperscript{122}Wharton to Walpole, Dec. 27, 1773, in \textit{Penn. Magazine}, 14(1890):78.
\item \textsuperscript{123}Wharton to Samuel Wharton, Jan. 1, 1774, \textit{Ibid.}, 33 (1909):324.
\end{itemize}
distinguished, as Schlesinger does not, between the "fair traders" and the smugglers when he spoke of "the different steps thrown out from the Beginning to the Public, alternately, by good citizens and fair traders, by men of cool senses and just discernment on the one hand, by fraudulent dealers and artful Smugglers by inflammatory Politicians and Patriots on the other." 125 There is good evidence that the "inflammatory Politicians" were in control of the situation in New York from the beginning. The "Association", despite its moderate phrasing, was clearly a radical document. When the agents resigned their commissions and petitioned the Governor to take the tea under his protection, they said, significantly, that they were "well convinced from the nature of the opposition, that so considerable a property of the company will not be safe unless Government takes it under protection." 126 It seems likely that "the nature of the opposition" of which they were afraid was violent mob action controlled by radicals rather than sedate economic pressure exerted by merchants in order to obtain commercial reforms. Certainly the public meeting of the 16th of December was under radical control, and the circulation of a document to counteract the "Association" clearly indicates conservative, if not specifically merchant, disapproval of the whole proceedings.

125 Tryon to Dartmouth, Jan. 3, 1774, in N. Y. Hist. Soc., Collections, 1923, 199.
126 Drake, Tea Leaves, 306.
Becker clearly points out the dilemma of the conservatives in New York. When faced by the Tea Act, their conservative policy of modified non-importation could be maintained only by non-consumption agreements or by refusing to allow the tea to land. The former was disagreeable because a non-consumption agreement could scarcely distinguish between English and Dutch teas; and if all teas were banned, smugglers' profits would vanish. On the other hand, an attempt to prevent the tea from landing would involve lawless methods of resistance which "were contrary both to the principles and to the interest of the conservatives." The radicals faced no such dilemma; "for them the way was clear, but the conservatives halted between the desire to maintain the non-importation of English tea on the one hand, and the dislike of giving countenance to lawlessness on the other.\[127\] The conservatives probably would have accepted with a sigh of relief the Governor's offer to store the tea in the fort, but by the time offer was made they had no power to influence the situation, and the radicals proceeded to act in the manner described above.

In Boston, too, as Schlesinger sees it, the merchants, as a class, were active in the opposition. "Their vehicle of action was a legal gathering of the town;" their aim was to oppose the tea scheme and at the same time to "restrain

127 Becker, New York Parties, 103-104.
It is true that Hutchinson asserts that the merchants first expressed "discontent" with the Act, but he also says, as previously quoted, that it was the committees of correspondence (admittedly a radical creation with which the merchants refused to associate themselves) which "availed themselves of so favourable an opportunity for promoting their great purpose." As evidence for his assertion that the merchants were in control of the early town meetings on the tea question Schlesinger offers only his own unsupported statement.

Even if the merchants were active in the early town meetings, it is obvious that they were never able to make felt even a moderating influence on the proceedings. From the beginning, as we have seen, the Caucus Club was active, extra-legal meetings were called, and mob action was the order of the day. It is difficult to see any merchant influence even in the legal town meeting of early November. For instance, one of the committees appointed by the town meeting of November 5 to secure the resignation of the consignees consisted of Sam Adams, Joseph Warren, and William Molineux, none of them notable as tools of the conservative merchants. John Rowe's diary gives no evidence of his having taken any part in the proceedings against the tea, until he was summoned by the "Boyd" to appear on November 30.

128 Schlesinger, Merchants, 283.
At this time he was "Chose a Committee Man much against my will but I dare not say a word." 129

Strangely enough, further dobt is cast on Schlesinger's view of the Boston situation by a newspaper item which he cites in support of his own argument. He quotes a "Merchant" writing in the Massachusetts Spy as expressing "surprise that the merchants and traders had not met to take action in the crisis". 130 As Harlow points out, the merchants had no organized agency for control in Boston and would have been much better off accepting the agents' storage proposal. "It is only by means of circumstantial evidence that the merchants can be represented as the managers of this enterprise." 131

Perhaps enough has been said to show that it is at least possible to cast serious dobt on the idea that the merchants, as a class, were the chief instigators of the opposition to the Tea Act. Again it must be emphasized that this is not meant to imply either that merchants approved of the Act or that many of them did not passively applaud the resistance. Nor does it mean that individual merchants were not actively engaged in the opposition. But

129 Cunningham, Letters and Diary of John Rowe, 256.
130 Schlesinger, Merchants, 266.
it is believed that those who took an active part did so by
reason of their association with the radicals rather than
because of their status as merchants. Prime examples of
such are Alexander McDougall in New York, William Molineux
in Boston, and Christopher Gadsden in Charleston.

It seems more reasonable and consistent to assert that
the radical elements were the active force in fomenting the
disturbances over the tea. This point of view was clearly
stated by Joseph Galloway in his examination before Parlia-
ment. When asked how many people in America favored inde-
pendence, he replied that probably not more than one-fifth
were of this opinion. But as early as 1754, he asserts,
some men had independence in view. When the Stamp Act was
passed, these men used the lawyers "as a stalking-horse or
screen" to hide their plans; and "When the Tea Act was
passed, they made the same use of the merchants who were
smugglers in America, as they had done of the lawyers before,
still declaring, that they meant not independence."\(^\text{132}\) It
was these men, then, who actively opposed the Tea Act. The
radicals alone had an organization sufficient to stir up and
augment and direct public opinion, they were stimulated by
their "grand design" of independence, and they were not fear-
ful of the consequences of their violent acts. Those con-

\(^\text{132}\) Thomas Balch, ed., The Examination of Joseph Gallo-
way, \(\text{Esq.}\), by a Committee of the House of Commons (Philad-
elpia, 1835), 4-5.
sequences were now to be determined in England as the news of the American opposition reached the horrified ears of the King, the ministry, and the English people.
CHAPTER TWO

The Intolerable Acts

I. British Reaction to the Tea Party.

The British nation should not have been entirely unprepared for the news of the destruction of the tea at Boston which reached England about January 20, 1774. Preliminary reports of American resistance had been coming in constantly, and it must have been apparent to the ministry before the end of 1773 that there was little or no chance for the success of the tea scheme. It is probable, however, that the most violent action expected was the sending of the tea back to England. In any event, the news of the Boston Tea Party seems greatly to have surprised and shocked the property-conscious souls of the British. Indeed, the wave of anti-American sentiment was so strong that it could be said: "Such is the spirit of the nation, that an opposition to your claims is necessary to acquire popularity."¹

Even firm friends of the Americans were shocked by the wanton destruction of property in Boston. The Earl of Chatham, object of intense American admiration, wrote that the "violence committed upon the tea-cargo is certainly criminal; nor would it be real kindness to the Americans to adopt their passions and wild pretensions, where they manifestly violate the most indispensable ties of civil society." Lord Rockingham, one of the leaders of the anti-ministerial forces in Parliament, told Edmund Burke that "the conduct of the Americans cannot be justified." Even Franklin was "...truly concerned ..., that there should seem to any a Necessity of carrying matters to such Extremity, as, in a Dispute about Publick Rights, to destroy private Property." Judging by early newspaper reports in America, there may have been those in England who approved of the destruction of the tea; but they had little success in making themselves heard.

As early as February 3 there was a motion in the House of Lords that papers relating to the Tea Party be laid before Parliament; but the government, refusing to be

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2Chatham to Shelburne, March 20, 1774, in Pringle and Taylor, Chatham Correspondence, 4:336.


hurried, replied that the whole question would be taken up in due time. In the meantime information was being gathered, papers were being collected, and advice was being sought. General Gage, his language "very consonant to his character of an honest determined man," came to the King to state his readiness to return to the colonies at a day's notice if coercive measures should be decided upon. Gage's opinion was that ". . . they will be Lyons, whilst we are lambs but if we take the resolute part they will undoubtedly prove very meek." There seemed to be little question that strong measures would be taken. This time there would be none of the "fatal compliance" which had produced the repeal of the Stamp Act in 1766. There was a general opinion "that government was taken by surprise when they repealed the stamp-act, and that all may be recovered." And in order to forestall in advance any opposition among the merchants and manufacturers a vigorous propaganda campaign was instituted in the public prints pointing out the impossibil-

5Shelburne to Chatham, Feb 3, 1774, in Pringle and Taylor, Chatham Correspondence, 4:323-324.


7Ibid., 3:59.

8Shelburne to Chatham, Feb. 3, 1774, in Pringle and Taylor, Chatham Correspondence, 4:324.
ity of carrying on any future commerce with America unless the Boston outrage should be punished. The result of this campaign, together with "many other endeavours to the same end," was that "the spirit raised against the Americans became as high and strong as could be desired both within and without the house."

Reinforced by strong public sentiment, the ministry readied itself for action in Parliament. The opening gun in the campaign was fired on March 7 with an address from the King laying the whole matter before the two Houses. The message spoke of the "unwarrantable practices" which had been carried on in North America and made special reference to "the violent and outrageous proceedings at the Town and Port of Boston." The King requested authority to take measures to put an immediate stop to the disorders and demanded permanent legislation for the purpose "of better securing the execution of the Laws, and the just dependence of the Colonies upon the Crown and Parliament of Great Britain." On March 14, the first step in the government's program was revealed when Lord North proposed that the harbor of Boston be closed and the customs officers be removed from

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9 Franklin to Thos. Cushing, April 2, 1774, in Smyth, Franklin, 6:225.

10 The Annual Register, 1774, 61.

the port. Admitting that this measure might punish the innocent as well as the guilty, he said that "where the authority of a town had been, as it were, asleep and inactive, it was no new thing for the whole town to be fined for such neglect." A bill embodying the Prime Minister's suggestions was brought in to the Commons; it went quickly and without a division through all the stages of Parliamentary procedure. On March 31 the royal assent was given; and the Boston Port Act, the first of the Intolerable Acts, became law.

The King was highly gratified by the celerity with which Parliament acted and was convinced that "the feebleness & futility of the Opposition to the Boston Port Bill, shows the rectitude of the Measure." It is true that the Port Act faced very little opposition during its passage. The "friends of America" were divided in sentiment, some feeling that the enormity of Boston's offence merited harsh punishment, others, like Colonel Barre, opposing the Act but hoping that unanimous support for it would forestall further punitive measures. This is not meant to imply, however, that there was a complete absence of debate on the bill;


13King to North, March 23, 1774, in Fortescue, George III, 3:84.

14Shelburne to Chatham, March 15, 1774, in Pringle and Taylor, Chatham Correspondence, 4:335.
many speakers were vehement in their denunciation. Mr. Dowdeswell, for instance, thought that passage of the bill would be a "very great mischief" and asked why Boston alone should be punished when other towns had committed offences almost as great. He pointed out that the ministry had presented no evidence of general concurrence in the destruction of the tea and condemned the Port Act as being ex post facto. Mr. Fuller said the bill was too severe and that it could not be executed without military force. He condemned the bill further on the ground that it did not allow the Bostonians to pay for the tea before the Port was closed. Mr. Dempster declared that the present bill gave the King too much power, since only he could decide when its provisions had been fulfilled. He denied that the dignity of Parliament was concerned in the disputes with the colonies, and said that "we should treat them as our children, nourish and protect them." Captain Phipps deplored the punishment of Boston as well as all Parliamentary attempts to tax the colonies. His advice was, "Let America alone, and it would return of itself to obedience." Mr. Byng felt that the Port Act would harm English merchants

15Hansard, Parliamentary History, 17:1168.
16Ibid., 17:1170.
17Ibid., 17:1175-1176.
18Ibid., 17:1169.
just as much as the Bostonians and prophesied, probably with more accuracy than he imagined, that it would "create that association in the Americans which you have so much wished to annihilate." All of these criticisms, however, were brushed aside by the supporters of the Act. Proponents of the Port Act, as might be expected, dwelt on the enormity of Boston's offence and the absolute need for prompt and firm action. Lord North insisted that the time for warning and censure was past, that vigorous measures of repression were necessary if Boston was to be brought to heel. He hoped that only four or five frigates would be necessary to enforce the Act but was willing to use military force if necessary. "The rest of the Colonies," he said, "will not take fire at the proper punishment inflicted on those who have disobeyed your authority; ... if we exert ourselves now with firmness and intrepidity, it is the more likely they will submit to our authority." The Americans, said Mr. Herbert in Commons, "were a strange set of people, and that it was in vain to expect any degree of reasoning from them; that instead of making their claim by argument, they always chose to decide the matter by tarring and feathering." Mr. Montague asserted that the colonies

19 Hansard, Parliamentary History, 17:1175.
20 Ibid., 17:1171-1173.
21 Ibid., 17:1170-1171.
had shown "notable ingratitude" and that it was time for the mother country to assert its authority and power. Approval for the punishment of Boston was also voiced by Mr. Ward who felt that "there was no other resource left; that we were drove to the wall." In reply to critics who did not like the punishment of Boston alone, Mr. Ellis pointed to the greater degree of Boston's offence; her action amounted to treason whereas the resistance of the other cities could only be called a high crime and misdemeanor. "But in my mind," he said, "it appears to be wise, first to single out Boston as the principal ringleader of the whole disturbance, and begin this punishment there, in order to see what effect the proceedings will have." Similar sentiments were expressed in the House of Lords by Lord Mansfield who felt that the destruction of the tea was the "last overt act of high treason, proceeding from over lenity and lack of foresight." If the government's program of coercion, however, was passed with some degree of unanimity, "we should be passed the Rubicon." The Americans would realize that there was to be no more temporizing, and Boston would submit.

22 Hansard, Parliamentary History, 17:1173-1174.
23 Ibid., 17:1175.
24 Ibid., 17:1181.
25 Shelburne to Chatham, April 4, 1774, in Pringle and Taylor, Chatham Correspondence, 4:339.
During succeeding weeks the permanent parts of the government's program were introduced into Parliament. The Massachusetts Regulation Bill, altering the charter of the recalcitrant colony, was brought in to the Commons on March 28 and passed on May 2. Final passage came on May 13 when the Commons agreed to amendments made by the House of Lords. The King gave his assent on May 20. The Impartial Administration of Justice Bill was brought in on April 15, passed in Commons on May 6, in the House of Lords on May 18, and was given the royal assent on May 20. The Bill for Quartering Troops in the Colonies passed in Commons on May 9, in the House of Lords on May 26, and became law on June 2. The Quebec Act, passed during the same session of Parliament has often been considered one of the Intolerable Acts. It must be emphasized that, from the point of view of the English, the Act was not aimed at punishment of the colonies but was rather a piece of legislation which had been under consideration for some time. With this reservation in mind, it may be pointed out that the Quebec Act became law on June 22 when the royal assent was given.

Opposition in Parliament recovered somewhat during the passage of the foregoing measures; none of them was allowed to pass without a division. The government majorities were, in every case, overwhelming; but the opponents of coercion became progressively more bitter. Mr. Dunning saw a system
of tyranny being established in the coercive acts which had been brought in for passage. "We are now come," he said, "to that fatal dilemma, 'resist and we will cut your throats; submit, and we will tax you' - such is the reward of obedience." Colonel Barre said that the passage of the government's program would amount to a declaration of war on the colonies. The plan to change the method of selection of the Massachusetts Council drew especially sharp criticism from Barre: "And it is my opinion, that the office of council, being chosen by the crown, will become so odious, that you will not get a respectable man that dares to accept it, unless you have the military officers for the council." Other speakers objected to the violation of the chartered rights of Massachusetts.

Arguments advanced by supporters of the remainder of the government's program were similar to those used in favor of the Port Act, although there was more emphasis on the long-continued insubordination of Boston. "Mr. St. John said that he disapproved on principle of altering charter rights, but that it was absurd to say that Parliament did not have the right to do so, since it was merely correcting deficiencies in the Massachusetts constitution. Avarice, he said,

26Hansard, Parliamentary History, 17:1300.
27Ibid., 17:1306.
would prevent the Americans from stopping trade with England. Lord North told of the difficulties of law enforcement so long as the Massachusetts magistrates were appointed by the council which was democratically controlled. "I propose," he said, "to take the executive power from the hands of the democratic part of Government." Lord George Germain was bitter in his denunciation of the Massachusetts town meetings and the present method of selection of the council in which he saw "a degree of absurdity."

The Parliamentary opposition, well aware of their complete inability to halt the passage of the ministry's punitive measures, concentrated their last ditch efforts in support of a motion to appoint a committee to take into consideration the repeal of the American import duty on tea. The motion was introduced by Mr. Rose Fuller on April 19 and was vigorously supported by several speakers. Captain Phipps emphasized the ease with which the tax might be avoided. Others claimed that the tax was impolitic, that much more money might be raised by the method of requisition. Colonel Barre waxed eloquent: "This you will have to lay to your charge, that you will whet your swords in the bowels of your own subjects, and massacre many of your fellow creatures,

28 Hansard, Parliamentary History, 17:1309.
29 Ibid., 17:1193.
30 Ibid., 17:1195.
who do not know under what Constitution of government they live, by enforcing this tax." The major speech, however, was a tremendous polemic in which Edmund Burke unlimbered his heaviest oratorical guns in support of Fuller's motion. Reviewing the whole history of British-Colonial relations, Burke pled for the complete abandonment of the government's recent policy. Unimpressed by this display of erudition and passion, the government majority defeated the motion by the comfortable margin of 182-49.

Americans resident in England did not fail to raise their voices in an attempt to stem the tide of repressive measures against Boston. Several petitions were presented to Parliament and to the King, decrying the injustice and over-severity of the punishment being administered to Boston. Franklin, who had deplored the destruction of the tea, joined in the signing of these petitions. "They serve," he said, "though without other effect, to show our sentiments, and that we did not look on and let the act pass without bearing our testimony against it." William Bollan, the agent of the Massachusetts council, also presented several petitions protesting against the measures and was allowed by the House of Lords to plead his case in person. The Commons refused him a personal hearing but allowed

31Hansard, Parliamentary History, 17:1272-1273.
32Ibid., 17:1212-1269.
33Franklin to Cushing, April 2, 1774, in Smyth, Franklin, 6:224.
several of his petitions to be presented by proxy. Even these slight concessions to the American point of view aroused the ire of the King, but he consoled himself with the opinion that "when Opposition are reduced to such low shifts it renders itself contemptible."34

The provisions of the Intolerable Acts, though well-known, should perhaps be reviewed briefly. The Port Act provided for the removal of the customs officers from the Port of Boston, the limits of which were minutely defined. After June 1, 1774 no ships were to load or unload within the port on the pain of seizure of goods and vessel. Any person aiding in loading, unloading, or receiving goods in the port would be liable for triple damages. Ships unloading military or naval stores were exempt from the provisions of the Act. Likewise, shipments of food in the coastwise trade might enter the port if they had first been searched at Marblehead and were accompanied to Boston by a customs officer. Any charter, contract, or bill of lading concerning Boston was declared to be void. Finally, it was left to the King in council to end the Act when he was satisfied that the East India Company had been fully indemnified for the loss of the tea and that peace and order had been restored to Boston.

34King to North, March 25, 1774, in Fortescue, George III, 3:86.
The Massachusetts Regulation Act made extensive revisions in the frame of government of that province. After August 1, 1774 the members of the council were to be appointed by the King, acting on the advice of the governor. Previously, of course, the council had been selected by the lower house of the legislature. After July 1, the Governor and Lieutenant Governor were empowered to appoint and remove all inferior court justices and court officials. The appointment of sheriffs and superior court justices was thereafter to be a sole function of the Governor. There were other regulations aimed at bringing the courts and juries more effectively under the control of the executive. Finally, town meetings in Massachusetts were forbidden after August 1, the only exceptions being the annual meeting for the election of town officers and on such other occasions when the written permission of the governor was secured. In general, of course, the Act did little more than to place Massachusetts on the same basis as the other royal colonies where the councils were appointed by the crown and the town meeting system was non-existent.

The Impartial Administration of Justice Act was designed to strengthen the position of law enforcement officials in Massachusetts. It provided that any person accused of a capital crime while executing his duty as a magistrate or in the collection of customs might, at the discretion of the governor, be sent to another colony or to
Great Britain for trial. The presumption, of course, was that such persons were not likely to get a fair trial in Massachusetts. The Governor was empowered to require the attendance of necessary witnesses at the time and place of such a trial removed from the province. Furthermore, any person accused of a capital crime in the execution of his duty must, by the provisions of the Act, be admitted to bail.

Only one of the Intolerable Acts applied to Colonies other than Massachusetts. This Act for Quartering Troops was similar to the one passed in 1765. It provided that officers and soldiers in the colonies might be quartered in private homes when no barracks were available or when barracks were not suitably located. Governors were authorized to requisition unused buildings to serve as barracks if the troops remained in one place longer than 24 hours. The Act was to be in force until March 24, 1776.

Armed by the legal authority it considered necessary for subduing Boston, the ministry did not neglect to appoint a new governor who, it was hoped, would be able to put the program or repression into effect. General Gage, whose brave words to the King have already been quoted, was chosen for the job which Hutchinson could no longer handle. As Gage sailed for America, he doubtless took with him the hopes and expectations of the ministry that he would be
able to restore Massachusetts Bay to its proper place in the imperial structure. But before shifting the scene to America once more to see how he fared in his mission, it may be pertinent to quote the opinion of the Earl of Chatham on the new program:

They cannot, at least, now complain of their hands being weakened by factious opposition; so that all the sad train of misery and confusion, which harsh and short-sighted measures will, I apprehend, draw after them, can be charged only on their own inevitable tendency. 

...By going to further severities, I fear, all is put to the hazard. America guilty, would have submitted; and subsequent lenitives might have restored mutual good will and necessary confidence. America disfranchised, and charter mutilated, may, I forbode, resist; and the cause might become general on that vast continent. If this happen, England is no more, how big words soever the sovereign in his parliament of Great Britain may utter.35

Though the last sentence of this dire prophecy was unnecessarily pessimistic, the accuracy of the first part of it is a matter of history.

II. The Initial Effect of the Intolerable Acts.

The period between the tea party and the arrival of the Boston Port Act in America has been characterized by Schlesinger as one of relative peace and quiet. He feels that

35 Pringle and Taylor, Chatham Correspondence, 4:342.
from the point of view of the radicals the resistance to the Tea Act had been a failure: "...to the surprise of the radicals, there was no bursting forth of the flame that had swept over the country at the time of the Stamp Act and again during the Townshend Acts..." But it might be pointed out that once the operation of the Tea Act was effectually thwarted there was very little reason for any flame to be kindled. The next move in the game was clearly up to the ministry. If vigorous measures of punishment were adopted, the radicals could then pin their hopes on the belief that the continent would rally to the support of Boston. If by some chance the home government chose to ignore the insults offered to its authority, the radicals could congratulate themselves on having once more defied the British with impunity. In either event they could consider their tea party a success inasmuch as their "grand design" of independence would be brought closer to fulfillment. This analysis accords with Thomas Hutchinson's view of the radical program. "I question," he said in a letter to Dartmouth, "whether they have formed any other plan than in general; as soon as they have carried one point to attempt another; and in a few years they say that, ... , they will be strong

36 Schlesinger, _Merchants_, 298-299.
enough to cast off all subjection of every kind." 37 Thus, it seems probable that the radicals had accomplished as much as they could have desired by their violent act in Boston harbor.

It should not be imagined that all was serene on the continent during the period of waiting. In Massachusetts and Boston, for instance, the radicals kept the pot boiling briskly. The 1774 session of the General Court was highlighted by an impeachment of Chief Justice Oliver who had refused to accept the salary tendered him by the province, preferring to take his pay from the British out of the customs revenues. Governor Hutchinson, of course, indignantly refused to sit in judgment on the case. In Boston the mob was entertained late in January by the tarring and feathering (for the second time) and brutal beating of one Malcolm, a customs officer, who had aroused the ire of the citizens. 38 Then, too, there was another tea party late in February, news of which is said to have caused Lord North to exclaim: "Is this, Sir, seeing their error? Is this, Sir, reforming? Is this making restitution to the East India Company? Surely no gentleman will after this urge anything in their defence!" 39

37 Hutchinson to Dartmouth, Feb., 1774, in Peter O. Hutchinson, ed., The Diary and Letters of Thomas Hutchinson (Boston, 1884), 115.


was quiet during the early months of 1774, although "little matters in the present state of affairs might give new vigour to that spirit of opposition. ."40 The "little matters" turned out to be the arrival of the tea-ships late in April, and the "spirit of opposition" in the New Yorkers was still strong enough to cause them, as we have seen, to send one ship back and to dump Captain Chambers' cargo into the harbor. The Charlestonians, too, kept their tempers hot enough after the tea episode to call public meetings on January 7 and March 16. The second of these gatherings passed new resolutions against the importation of any tea into the province until the duty should be repealed.41

Americans, understandably enough, waited with some anxiety for word of how the news of the resistance to the Tea Act had been received in Britain. Early reports brought back by ships sailing soon after England had heard about the tea party were encouraging. Some said that the ministry would refuse to take any action and would let the India Company try to obtain its own recompense from Massachusetts. Others said that the conduct of the Americans was much


41 Sellers, Charleston Business, 225.
applauded, that there was rejoicing instead of exasperation in England. Richard Henry Lee circulated an extract of a letter from London which said that those who were in favor of violent measures were restrained by fear and would do nothing. Lee’s own opinion was that the British would not attempt to impose harsh punishment because of the approaching general elections and because of the difficulty of “fixing on any plausible mode of resentment.” It is impossible to say how many Americans were taken in by these over-optimistic reports. Perhaps the majority failed to be consoled and agreed with Henry Laurens’ view that “none but an Impotent State” could suffer such actions to go unpunished. Most prophetic of all was John Adams’ diary on the day after the tea had been destroyed. The passage is well worth quoting: “Will they punish us? How? By quartering troops upon us? by annulling our charter? by restraining our trade? by sacrifice of individuals? or how?” The uncanny accuracy of this passage might lead one to believe in second sight.

42 Penn. Gazette, March 30, 1774 and April 6, 1774; Maryland Gazette, April 7, 1774.


The first three suggestions, of course, were embodied in three of the Intolerable Acts, while the "sacrifice of individuals" was provided for in Dartmouth's letter of instruction to Gage.46

The suspense of the period of waiting was ended on May 10 by the arrival in Boston of the Port Act. General Gage, the new governor, arrived in person on the 13th of May. On the same afternoon the radical plan of action was unveiled when the town-meeting approved the following resolution:

Resolved, that it is the opinion of this Town, 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: On the other hand, if they continue their exports and Imports, there is high Reason to fear that Fraud, Power, and the most odious Oppression will rise triumphant over Right, Justice, social Happiness and Freedom.47

This, then, was to be the program: commercial coercion of a more sweeping nature than ever before undertaken, including the prohibition of exports as well as imports and proposing the stoppage of the West India trade as well as that with


47 Boston Town Records, 1770-1777, 174.
Great Britain. The committee of correspondence lost no time in sending out copies of the town meeting resolution together with a letter urging immediate action along the lines laid down therein.48

The text of the Port Act had arrived in New York on May 10. On May 15 Isaac Sears and Alexander McDougall, acting for the committee of the Sons of Liberty which had supervised the resistance to the Tea Act, wrote a letter to Boston which expressed the reaction of the New York radicals to the Act. This letter, written before the Boston resolution of the 13th had arrived in New York, expressed their conviction that Boston would not comply with the provisions of the Act and announced that they had stimulated the merchants of New York to call a meeting "to agree upon a general Non-importation, and non-Exportation Agreement of Goods, to and from Great Britain, until the American Grievances are redressed...." The letter suggested that the terms of non-intercourse should be regulated by a General Congress.49 It is apparent that radical minds in New York were closely linked with those in Boston.

The merchants, however, had no intention of agreeing


to measures of commercial coercion, which, in the words of Peter Van Schaack, were "chiefly espoused by the mechanics." He continues, "The merchants insist that we ought not precipitately to enter into...these plans; that a non-importation will draw down the vengeance of Great Britain upon us,...that if we are deprived of our exports we shall be ruined..." Therefore, the merchants attended the meeting on May 16, the one referred to by Sears and McDougall, firmly resolved not to let the radicals seize the initiative. The radicals proposed a slate of twenty five men to be nominated to act as a committee of correspondence for the city. The conservatives countered this move with a slate of fifty, twenty three of whom were also on the radical ticket. The proposed slate of fifty thus had a safe conservative majority since several men on the original radical slate were recognized conservatives. The radicals acceded to the merchants' ticket since to oppose it would have meant opposition to most of the men they had proposed themselves. The action of this meeting, however, was not taken to constitute a definitive election of a committee; for on Tuesday, May 17 "the inhabitants of the city and county" were requested to attend a meeting to be held on

50 Van Schaack to Peter Silvester, May 21, 1774, in Van Schaack, Peter Van Schaack, 16.

Thursday for the purpose of approving the committee as
nominated or of appointing "such other persons as in their
discretion and wisdom may seem meet." At this meeting
the conservatives apparently turned up in such numbers that
the slate of fifty was elected without alteration except
for the addition of Francis Lewis, a radical. Into the
hands of this committee of Fifty-One, dominated by conserva-
tives, was placed the responsibility for directing the city's
program of resistance to the Port Act.

The first act of the new committee was to repudiate
the letter written to Boston on behalf of the Sons of
Liberty. In the words of David Colden, "This letter gives
great displeasure here, and the committee of 51 have made a
strict enquiry to find out the author..." The old committee,
faced with censure for its action, denied any knowledge of
the letter. The reason for the displeasure was, of course,
the mention of non-importation and non-exportation which
the conservatives wished to avoid if possible. Some answer,
however, must be given to the Boston proposal; and this was
done on May 23. The Committee of 51 expressed displeasure
with the Port Act and sympathy with Boston but did not even

53 Ibid., 295.
54 Leake, John Lamb, 83.
mention the possibility of commercial coercion. Instead, they concluded "that a Congress of Deputies from the Colonies in general is of the utmost moment; that it ought to be assembled without delay. . ."\textsuperscript{56} Interestingly enough, MacDougall, who was co-author of the letter of May 14 was a member of the sub-committee of the Fifty-One which drafted the official answer of May 23.

Clearly, the selection of the committee of Fifty-One and its early actions constituted a conservative victory. There is ample contemporary evidence to support this contention. John Watts, speaking of the proceedings regarding the Port Act: "The lower class of people were taking it up exceeding high here, and would have carried things to extremities, but by the interference of most people of weight, a soberer conseil takes place."\textsuperscript{57} James Rivington, whose Gazetteer expounded the conservative viewpoint, was said to have written to Henry Knox in Boston:

The power over our crowd, is no longer in the hands of Sears, Lamb, and such unimportant persons, who have for six years past, been the demagogues of a very turbulent faction in this city; but their power, and mischievous capacity, expired instantly upon the election of the Committee of Fifty-One; in which there is a majority of inflexibly honest, loyal, and prudent citizens.\textsuperscript{58}

Cadwallader Colden expressed the same conviction in several

\textsuperscript{57} Mass. Hist. Soc., Collections, 4th series, 10:710.
\textsuperscript{58} Thomas Young to Lamb, June 19, 1774, in Leake, John Lamb, 90.
letters written during the summer of 1774. One of them outlines the situation in New York following the arrival of the Port Act with such clarity that it deserves quotation at length:

The Men who at that Time call'd themselves the Committee who dictated and acted in the name of the People, were many of them of the lower Rank, and all the warmest Zealots of those call'd the Sons of Liberty. The more considerable Merchants and Citizens seldom or never appear'd among Them; but I believe were not displeased with the clamour and Opposition that was shewn against internal Taxation by Parliament. The principal Inhabitants being now afraid that, these hot Headed Men might run the City into dangerous Measures, appeared in a consider- able Body at the first meeting of the People, after the Boston act was received here. They dissolved the former Committee, and appointed a new one of 51 Persons, in which care was taken to have a number of the most prudent and considerate Persons of the Place. Some of them have not before join'd in the public Proceedings of the Opposition, and were induced to appear, in what they are sensible is an illegal Character, from a Consideration that if they did not the Business would be left in the same rash hands as before. 59

As Golden indicates, the conservative victory was at least partially due to the fact that they attended the meetings in considerable numbers for the first time. William Smith, in his diary, says the same thing: "The De Lanceys urged their friends to attend, and pushed them in, to mix with the Liberty Boys." 60 In New York, then, the initial reaction

60 Stokes, Iconography, 4:353.
to the Port Act was characterized by the successful determination of the merchants and conservatives in general to prevent any hasty measures. The Committee of Fifty-One, safely in conservative hands, turned a cold shoulder to Boston's proposal of immediate non-importation and exportation and suggested instead the calling of a general Congress.

The text of the Port Act arrived in Philadelphia from New York on May 14, and just as in New York, the mind of the radicals jumped to measures of commercial coercion even before they knew of the Boston resolution of May 13. In a letter written on May 17 Thomas Wharton forecast quite accurately the turn which events would take in Philadelphia. He said that there was talk of a non-importation agreement amongst the "warm politicians" but was satisfied that the merchants would not agree to any such measure since they were "dissatisfied with the former conduct of the Bostonians." He did think, however, that an attempt would be made to assemble a Congress. The arrival of the Boston non-intercourse resolution on May 19 stimulated definite action, and a public meeting was held on the evening of the 20th to consider the Boston resolution. Accounts of this meeting, in addition to the official reports appearing in the newspapers, have been left by Charles Thomson, Edward

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Tilghman, and Thomas Wharton. Tilghman reported that Joseph Reed made a motion to ask the Governor to call the Assembly in order that a petition to the king might be drafted. John Dickinson supported this moderate plan of action, but Charles Thomson argued so vehemently in support of the Boston resolution that he fainted and had to be carried out of the Tavern. The Dickinson-Reed point of view carried the day, and it was voted to petition the Governor to call the assembly. The meeting also appointed a temporary committee of nineteen to draft an answer to the communications from Boston.

The answer written by this committee dealt another blow to the policy advocated by Boston. Dated May 21, the letter does not specifically repudiate non-importation and non-exportation but suggests that the calling of a general Congress would be the plan "most agreeable to the people of this Province, and the first step that ought to be taken." That the conservatives were victorious in the initial struggle in Philadelphia seems to be owing, in large part, to the fact that, just as in New York, they had become alarmed at the prospect of violent action by the

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64 Ibid., 1:341.
radicals and therefore they took an unprecedented role in the public proceedings in order to prevent the radicals from seizing the initiative. The similar nature of conservative action in New York and Philadelphia is well illustrated by a comparison of a letter written by Thomas Wharton with Colden's analysis of the situation in New York. Said Wharton, speaking of the meeting on May 20:

> Several persons who had never before met at any of their meetings thought it quite time to interpose, and not suffer those warm and violent men to carry measures as they pleased, attended that evening, among whom I was one, and we entered the lists and opposed their measures with so much resolution and firmness, that every step which appeared to have a tendency to inflame was entirely set aside; ... thus after the warmest and greatest expectation by particulars, we were capable of quickly (for the present) putting aside any rash resolutions. 65

It is obvious, then, that the merchants in the great commercial cities of New York and Philadelphia were determined to have nothing to do with non-importation and non-exportation if such measures could possibly be avoided. Their reluctance to engage in any but the most moderate measures of opposition to the Parliamentary punishment of Boston may perhaps be taken as further support for the contention, made in the first chapter of this study, that the merchants, as a class, were not actively engaged in the fight against the Tea Act.

News of the Fort Act arrived in Virginia while the House of Burgesses was in session. Richard Henry Lee prepared a set of resolves calling for a Continental Congress to adopt measures of non-intercourse but was persuaded to hold off their introduction until important domestic business was taken care of. The Burgesses, however, did pass a resolution setting aside June 1, the day when the Fort Act was to go into effect, as a day of fasting and prayer. Governor Dunmore promptly dissolved the house, sensing, perhaps, that more vigorous action would follow the fast resolution. On the 27th of May eighty nine of the members gathered at the Raleigh tavern in Williamsburg under the chairmanship of Peyton Randolph, the speaker. According to one report of the meeting, there were "violent debates," with the more radical planters advocating complete suspension of trade and suspension of civil suits for the recovery of debts. Despite this pressure for extreme measures, more moderate counsels prevailed. The meeting adopted an "association" pledging non-consumption of East-India goods and instructing the Committee of Correspondence to communicate "with their several corresponding Committees, on the expediency of appointing Deputies from the several Colonies.

66 Ballagh, Richard Henry Lee, Ill.

67 James Parker to , June 17, 1774, in Magazine of History, 3(1906):153.
of British America, to meet in general Congress, at such place annually as shall be thought most convenient."68 All of this action, it must be remembered, took place before the Boston non-intercourse resolution had reached Virginia.

Expresses from the northern cities arrived in Williamsburg on Sunday, June 29. Most of the Burgesses had already left for their homes, but Peyton Randolph convened twenty-five of them for a meeting on the next day. It was agreed that further consideration of the matter should wait until a provincial convention called for August 1.69 The meeting, however, instructed the committee of correspondence to make it known that it was the opinion of those Burgesses attending the meeting "that an association against Importations will probably be entered into as soon as the late representatives can be collected, and perhaps against Exportations also after a certain time."70 Even in Virginia, then there was to be no hasty accession to the Boston demand for immediate non-intercourse.

We have now seen a Continental Congress suggested by four different groups: on May 14 by Sears and McDougall speaking for the Sons of Liberty, on May 23 by the New York Committee of Fifty-One, on May 21 by the temporary committee

69 The Virginia Gazette, June 2, 1774.
70 Calendar of Virginia State Papers, 8:52-53.
of correspondence in Philadelphia, and on May 27 by the Virginia Burgesses at the Raleigh Tavern. All of these suggestions, it should be pointed out, were made independently of each other. And these were not the only ones made immediately upon hearing of the Port Act. The town meeting of Providence, for example, on May 17 instructed its deputies in the assembly to promote a Congress.71 Likewise, Worcester, Massachusetts instructed its Representative on May 20 "that you by no Means fail to use your utmost Endeavours that there be a general Congress."72 With suggestions for a Congress coming independently and spontaneously from such widely scattered parts of the Colonies as those mentioned, it must be apparent that the idea of such a gathering was neither new nor startling.

It is not the purpose here to trace the inception of the idea of a Continental Congress to its ultimate source, but rather to cite some examples to show that it had become very common in the ten years or so preceding the revolution. One might, of course, begin with the example provided by the Stamp Act Congress which the Americans, certainly had not forgotten. Then, too, there was widespread hope that the establishment of the committees of correspondence in 1773 would lead to a Congress. Franklin, for instance, felt

72Mass. Gazette and Newsletter, June 2, 1774.
that "it is natural to suppose... that, if the oppressions continue, a Congress may grow out of that correspondence."\textsuperscript{73} Sam Adams, as well, was active in promoting the idea. One of his biographers notes at least four references by Adams, even prior to the Tea Act, to the possibility and desirability of a Congress.\textsuperscript{74} Benjamin Church, in the Boston Massacre Oration for 1773, predicted that "some future congress will be the glorious source of the salvation of America."\textsuperscript{75} In the Massacre Oration for the following year John Hancock similarly suggested a congress of deputies "as the most effectual method of establishing such an union, as the present posture of our affairs require."\textsuperscript{76} As early as September, 1773 Hutchinson reported, "The hint of a Congress is nothing new; it is what they have been aiming at the last two sessions of the General Court."\textsuperscript{77} It should not come as a surprise, then, to find that there were many suggestions that a Congress should be assembled at the time of the Intolerable Acts.

From the foregoing recital it should be plain that a Congress was one of the fondest hopes of the Boston radicals,
yet the calling of the First Continental Congress has sometimes been seen as a defeat for the radical point of view. It must be emphasized that the calling of the first Congress can be considered a defeat for Sam Adams and his group only insofar as it meant a delay in the adoption of their policy of non-intercourse. This is made apparent by an examination of the pronouncements of the radicals in Boston subsequent to the town meeting of May 13. At first they had been hopeful of the prospects for immediate adoption of their policy, this sanguine attitude probably being based on the news contained in the Sears-McDougall letter of May 14. Typical of this optimism is a letter from Sam Adams to Elbridge Gerry in which he reports that it was generally believed "that they [The New Yorkers] would suspend all commercial connexion with Great Britain and not supply the West Indies with hoops, staves, lumber, &c."78 As the returns, however, began to come in from New York and Philadelphia it was apparent that chances of immediate non-importation and non-exportation were not good. At this point the attitude of the Boston radicals expressed unqualified approval of the proposed Congress, but it was still felt that commercial coercion should be undertaken immediately since a Congress could not be assembled without some delay.79

78 James T. Austin, The Life of Elbridge Gerry (Boston, 1823), 46.

79 Cushing, Writings of Samuel Adams, 3:115, 123; Stokes, Iconography, 4:855.
Any lingering hopes of the immediate adoption of non-intercourse were probably dispelled by a sharply worded letter from the Fifty-One in New York, refusing categorically to agree to any suspension of trade before the Congress met. 80 Taking this rebuke in good grace, the Boston committee replied, "...we are pleased with your readiness to meet by your deputies ... in a general Congress at any time or place we shall think fit..." 81 There was no longer any mention of non-importation or non-exportation. The date of this letter, June 16, will serve as well as any other to suggest a point at which it became a virtual certainty that the Continental Congress would take place.

It remains in this chapter only to show how the time and place for the Congress were settled upon. This matter was largely adjusted among the various committees of correspondence. Early suggestions as to time and place varied widely; New York, Philadelphia, and Annapolis were all mentioned frequently as possible meeting places, while suggested times ranged from late July until late September. New York, as indicated by the quotation in the preceding paragraph, offered to let Boston settle the matter. Boston, in turn, left it up to the House of Representatives. When the Massachusetts delegates were selected on June 17, the

81 Stokes, Iconography, 4:357.
resolution specified that the Congress should meet in
Philadelphia on September 1. 82 One slight change was made in
the date by a public meeting at Charleston on July 6, 7, and 8
which suggested the first Monday in September. No one seems
to have offered any objections to the time and place as thus
agreed upon; and the Congress, of course, did assemble in
Philadelphia on Monday, September 5 as specified.

CHAPTER III

The Movement for the Congress on the Local Level

The calling of the Congress may have been the result of high-level negotiations and maneuvers in the commercial centers of New York, Philadelphia, and Boston; but the broad basis of its support was effectively demonstrated during the summer of 1774 at hundreds of local meetings, gatherings of town and county, from New Hampshire to Georgia. The Congress, to be sure, could have met even without this enormous support at the grass roots level; but its recommendations would, in this case, have amounted to little more than empty phrases. The success of such a body, whose actions could have no constitutional basis whatsoever, would depend entirely on the support of public opinion for the effective enforcement of its decisions. The tenor of the local proceedings left no doubt that public opinion could be relied on. Paradoxically enough, at least one radical, James Warren, expressed the fear that the confidence of the people in the approaching Congress was so great that they would "be in danger of rest-
however inadequate to their rights and interests." Conversely, of course, the people could be counted on to support radical measures as well.

Why should there have been such an apparently spontaneous outpouring of sentiment over the passage of the Intolerable Acts? The Port Act, after all, concerned Boston alone; and the others, with the exception of the Quartering Act, were not applicable outside of Massachusetts. Why did the other colonies insist on regarding Boston as "suffering in the common cause of America"? One reason, certainly, is the unquestionable fact that many people genuinely sympathized with the plight of Boston. There seems to have been a widespread feeling, even among many of those who had heartily disapproved of the destruction of the tea, that the Boston Port Act was harsh and unjust, that the punishment did not fit the crime. To support this statement one need only refer to the flood of donations both in cash and goods which began to flow into Boston as soon as the port was closed. Such tangible evidence of support, surely, would scarcely have been sent to a community which was regarded as being justly punished for its own iniquities. The exact effect of the other Intolerable Acts is hard to determine, but Henry Laurens was an accurate prophet when he said, "...the other

Acts of Parliament...will quench their Resentment as Oil would extinguish flames." Despite the fact that the Government Act and the Regulation of Justice Act affected only Massachusetts, there was real fear that new restrictive legislation would be passed for the other colonies once Massachusetts had been forced into submission. This point of view was assiduously promoted by radical propagandists. The Port Act, for instance, was distributed about New York in the form of a handbill, the back of which was devoted to an extract of what purported to be a letter from London which went as follows:

It is given out that severe measures are only intended against Boston, to punish their refractory conduct; but depend on it, if they succeed against Boston, the like measures will be extended to every colony in America; they only begin with Boston, hoping the other colonies will not interpose.

A Philadelphia writer, addressing the "Freemen of America", declaimed, "New York, Philadelphia and Charlestown cannot expect to escape the fate of Boston...An Union of the Colonies, like an Electric Rod, will render harmless the storms of British Vengeance and Tyranny."

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3 Maryland Gazette, June 2, 1774.

4 Penn. Gazette, May 18, 1774.
The Boston committee of correspondence, to cite a final example, in transmitting to the other colonies the text of the Massachusetts Government Act and the Regulation of Justice Act voiced the following sentiment:

It is also confidently reported that a third Bill is to be brought into parliament for the better regulating the governments of the other provinces in North America. These edicts, cruel and oppressive as they are, we consider but bare specimens of what the continent are to expect from a parliament who claim a right to make laws binding us in all cases whatever. 5

In the face of such propaganda it is small wonder that many Americans became convinced that it was absolutely necessary for the colonies to present a united front to the British.

I. New England

The town meeting, as the basic unit of local government in New England, became the major vehicle for the expression of the sentiments of the New Englanders regarding the Congress and other measures to be taken in protest against the Intolerable Acts. As might be expected, there was widespread support for Congress and sympathy for Boston, although the latter was by no means unanimous.

In Boston itself the summer of 1774 was highlighted by

an effort on the part of conservatives to seize control of the Boston town meeting. This resurgence of activity among the conservatives seems to parallel, with a slight lag in time, the same sort of effort already described as taking place in New York and Philadelphia. Boston merchants, taken aback by the severity of the Port Act, had at first consented to enter a non-importation agreement conditional upon the entry of New York and Philadelphia merchants. When it became apparent that the merchants of those cities would have nothing to do with hasty commercial coercion, the Boston merchants claimed that they were not bound by their own agreement and ordered goods as usual from England. The radicals, naturally enough, were bitter about the failure of the merchants to support the policy of the town meeting. "We have found by experience," wrote Charles Chauncy, "that no dependence can be had upon merchants, ... so many of them are so mercenary as to find within themselves a readiness to become slaves themselves, as well as to be accessory to the slavery of others, if they imagine they may, by this means, serve their own private separate interest." "A game or two of such Mercantile Policy," said "Candidus," "would soon have convinced the world that Lord North had a just idea


of the Colonies..."

The radicals, however, did not confine their resentment to bitter words. On May 30 the town meeting directed a committee to prepare a paper to be taken to every family in town, agreeing "not to purchase any Articles of British Manufactures, that can be obtained among Ourselves, & that they will purchase Nothing of, but totally desert those who shall Counter-work the Salutary Measures of the Town." A similar scheme, much more radical and comprehensive than the comparatively mild non-consumption agreement adopted by the town, was being hatched in secret by the committee of correspondence. On June 5th the committee approved a document, known as "The Solemn League and Covenant", which had been drawn up by a sub-committee headed by Joseph Warren. The "Covenant" provided for rigorous non-consumption of British goods, the promotion of American manufactures, and strict non-communication with non-signers. Without consulting the town meeting the committee sent the document out

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8Boston Gazette, June 27, 1774.
9Boston Town Records, 1770-1777, 176.
10Richard Frothingham, Life and Times of Joseph Warren (Boston, 1865), 313.
to the towns of Massachusetts for signing. The radical strategy, evidently, was to make it appear that the "Covenant" was the product of spontaneous combustion in the country towns. Thus, the radical newspaper in Boston acted as if it knew nothing of the origin of the non-consumption agreement:

We learn from divers Parts of the Country that the People in general, having become quite impatient by not hearing a Non-Importation Agreement has yet been come into by the Merchants, are now taking the good Work into their own Hands, and have and are solemnly engaging not to purchase any Goods imported from Great-Britain or to trade with those who do import or purchase such goods...

The merchants, not taken in by the deception of the committee of correspondence, raised howls of protest against the "Covenant." Newspapers were filled with propaganda pieces protesting against the committee of correspondence and its activities, pointing out that the merchants would be ruined if non-consumption went into effect. Typical, perhaps, of merchant sentiment in general was the attitude of John Andrews. Asserting that the committee had sent out the "Covenant" without consulting the town, he said, with bitterness, that "those who have govern'd the town for years past, and were in a great measure the authors of all our

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12 Boston Gazette, June 13, 1774.
evils, by their injudicious conduct -- are grown more obstinate than ever, and seem determined to bring total destruction upon us." More and more the merchants became convinced that the only solution to the problem was to pay for the tea and hope that the port would soon be opened. On June 10 an address was presented to Governor Gage which deplored all acts of violence and expressed willingness to help in paying for the tea. A similar address had been presented to the former Governor when he had departed from the colony on June 1. Of the 120-odd signers of these two addresses, not less than 63 were classified in a contemporary handbill as "Merchants and Traders." A subscription to pay for the tea was actually contemplated; and George Erving, a staunch conservative, offered to contribute two thousand pounds sterling to the cause. There was enough of this type of sentiment to cause the radicals to worry. Joseph Warren, for instance, wrote to Sam Adams on June 15, "The party who are for paying for the tea, and by that making a way for every compliance, are too formidable."

The conservatives apparently determined on making one

15 Ibid., 1st series, 11:394.
16 John Andrews to Wm. Barrell, May 18, 1774, in ibid., 1st series, 8:329.
17 Frothingham, Warren, 317.
supreme effort to take the initiative from the hands of the radicals, and the town meeting of June 27 was selected for the attempt. Everyone, obviously, knew that something was in the wind; people turned up in such numbers that the meeting's first action was to adjourn to Old South. It was then ordered that the Solemn League and Covenant be read, together with selected letters written by the committee of correspondence. A motion was then offered that the town pass a resolution censuring the committee and dismissing it from further service. Sam Adams left the moderator's chair in order to participate in the discussion. Supporters of the resolution of censure and dismissal spoke for the rest of the day, and the meeting adjourned until the following morning. At that time there were more debates with speeches for both sides. When the question was finally put, it "was carried in the negative by a great Majority." A counter motion expressing complete approval of the conduct of the committee was passed by a "vast Majority." 18 The conservative bid for control thus ended in disastrous defeat. Ann Hulton perhaps summarized the situation as well as possible in a letter written July 8 to her friend, Mrs. Adam Lightbody:

These who are well disposed towards Governmt ... are termed 'ories. They daily increase, & have made some efforts to take the power out of the hands of the

18 Boston Town Records, 1770-1777, 177-178.
Patriots, but they are intimidated & overpowered by Numbers, & the Arts, & Machinations of the Leader, who governs absolutely, the Minds & the Passions of the People.  

In Massachusetts outside of Boston the action of Worcester in proposing a Congress has already been noted. The same town on June 20 defeated a motion to dismiss its committee of correspondence and adopted the Solemn League and Covenant in a form differing slightly from the original sent out by Boston. At the same time, however, fifty two citizens signed a protest against the committees of correspondence in general, and the Worcester committee in particular, claiming that they were "modern Inventions" and served only to stir up trouble. The town of Pittsfield, as we have seen, had once expressed vigorous disapproval of the Boston violence; yet the town meeting of June 30 appointed a committee of correspondence, adopted the Worcester variation of the Solemn League and Covenant, and appointed delegates to a county congress to meet in Stockbridge on July 6. The latter gathering voted to cease consumption of British goods after October 1 unless a different date should be set by the Continental Congress. Apparently no complete check


22 *Boston Evening Post*, July 25, 1774.
has ever been made to determine how many Massachusetts towns expressed their sentiments on the Covenant, but its success was probably considerable. At least the radicals in Boston seemed to be pleased by its acceptance, for Thomas Young wrote to John Lamb on June 19, telling of the success of the "Covenant" and saying, "This will insure a non-importation in this province, whether messieurs les marchands, will be graciously pleased to come into it or not."

Elsewhere in New England there seems to have been considerable activity during the summer of 1774, although reports are scattered. The two major towns of Rhode-Island both expressed their resentment against the parliamentary proceedings. The Providence town meeting of May 17 which had proposed a Congress also felt that a universal stoppage of trade with Great Britain, Ireland, Africa, and the West Indies would be the most expedient measure to procure a redress of colonial grievances. Newport likewise announced its readiness to join with the other colonies in stopping trade with England and the West Indies.

Norwich, Connecticut, expressed its willingness to co-operate with any general measures which might be entered into by the Congress. Wethersfield in the same state

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23Leake, John Lamb, 89.
approved of the Congress "as a necessary and salutary measure," and hoped that it would result in a general non-imposition and non-exportation agreement. Schlesinger says that at least twelve other towns voted their approval of some form of non-intercourse before the meeting of the Congress. This type of activity was sufficiently strong to cause Silas Deane to exclaim with irritation, "The calling of town meetings is growing fast into fashion in the colony; the consequent diversity...perhaps, inconsistency and absurdity of their resolves, will soon throw us into a scene of confusion." Deane felt that all measures should be suspended until the Congress had met, and that, therefore, non-consumption agreements such as the "Covenant" were unwise.

No records of local meetings in New Hampshire have been seen. It is known, however, that the Portsmouth committee sent out a non-consumption agreement similar to the Covenant. Jeremy Belknap refused publicly to sign the agreement and set forth, in great detail, his reasons for doing so. In general, his chief objection seems to have been the clandestine manner in which both the original Boston agreement and its

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Portsmouth counterpart were originated. Some, but not all, of the citizens of New Hampshire shared Belknap's opinion since Governor Wentworth reported that "Some few towns generally subscribed, many others totally rejected."

Rejection of a non-consumption agreement, of course, did not imply disapproval of a Congress; many felt, with Silas Deane, that all such measures should come as a result of united action in a continental meeting.

II. The Middle Colonies

Lacking the New England institution of the town meeting, the Middle Colonies for the most part expressed their sentiments in county gatherings. There are, naturally, exceptions to this statement, especially in areas where New Englanders were numerous as in Suffolk county on the eastern end of Long Island. The tone of the resolutions, however, was much the same as in New England with practically all of them favoring a Congress and many of them approving of commercial coercion.

In New York, outside of the city, there were probably fewer meetings during the summer of 1774 than in any other northern colony. The Fifty-One sent out, as early as May 31, a letter to the counties inviting them to appoint committees


\[30\] Wentworth to Dartmouth, August 29, 1774, in Documents and Records Relating to the Province of New Hampshire, 7:411.
of correspondence. Yet on July 6 Colden wrote, "Except in the city of New York, the people in the Province are quite Tranquile, and have declin'd taking any Part with the Citizens." The farmers feared, he said, that any agreement of non-importation would result in a restraint of exports by the British which would be ruinous to them. Insofar as there was any response to the New York circular letter, it was probably more radical than the conservative New York committee desired. At least four towns, South-Haven, Easthampton, Huntington, and Orange Town, were in favor of some degree of non-intercourse, while Rye and Westchester were willing to abide by the decisions of Congress. This activity, however, was pretty much confined to the eastern end of Long Island where the Connecticut influence was strong.

In New York city itself there was plenty of activity during the summer of 1774. Discussion of it will be deferred to the following chapter since the major struggles concerned the selection and instruction of delegates to the Congress.

Direction of affairs in Philadelphia, it will be remembered, had been left in the hands of a temporary committee, largely in the hands of Conservatives. In line with the determination of the meeting of May 20, a petition was pre-

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31 Henry C. Dawson, Westchester County, New York, During the American Revolution (New York, 1886), 20.

32 Colden to Tryon, July 6, 1774, in N. Y. Hist. Soc., Collections, 1877, 348-349.

sented to Governor Penn on June 8 requesting him to call the assembly into session to deliberate on the alarming state of affairs. The Governor promptly refused the request, saying that he knew of no provincial business which demanded immediate attention. In answer to this refusal, a public meeting was called for June 18. The meeting, with John Dickinson and Thomas Willing as co-chairmen, drew a large crowd. There must have been some fear that those of the "lower sort" who were present might make an attempt to dominate the meeting by sheer noise-making power; for the Reverend Dr. Smith requested, in his introductory address, that every person be allowed to speak his mind freely, "without any such outward marks of approbation or disapprobation, as clapping or hissing..." The moderates were evidently successful in maintaining control of the meeting, for the resolutions passed could scarcely be considered inflammatory. Sympathy was expressed with the plight of Boston, a Congress was recommended as the "most probable and proper" method of securing relief, a large committee of correspondence (forty-four) was appointed, and the committee was directed to consult on the proper method of selection of the delegates to Congress. Non-importation and non-exportation were not even mentioned.

34 Penn. Gazette, June 15, 1774.

35 Ibid., June 22, 1774.
The position of John Dickinson at this time was perhaps typical of the dominant group of moderates in Philadelphia. Although he had disapproved of the destruction of the tea, he felt that the colonies must take some sort of action in reply to the Intolerable Acts. The second and third of the oppressive measures were particularly alarming, showing, he said, "that Administration has not only renounced all respect, and all appearance of respect, for the rights of these Colonies, but even the plainest principles of justice and humanity." A general agreement of non-importation and non-exportation, faithfully kept, would, he was willing to admit, undoubtedly be successful. Such measures, however, should be suspended until it became evident that the British hostility toward the colonies was unalterable. In the meantime, the assembling of a Congress was of vital importance. These views are clearly set forth in his "Letter IV to the Inhabitants of the British Colonies In America," which had a wide circulation among newspaper readers. Above all, he wished that any action taken might be unanimous. For this reason, he was irked by the "Solemn League and Covenant" and expressed his resentment in no uncertain terms to Josiah Quincy:

Nothing can throw us into a pernicious confusion but one colonist breaking the line of opposition, by advancing too hastily before the rest. The one which dares to betray the common cause by rushing forward, contrary to the maxims of discipline established by common sense, and the experience of ages, will inevitably and utterly perish.

Despite Dickinson's enormous prestige, it appears that there was pressure within Philadelphia for resolutions of a more forceful sort. As early as June 9 there was a meeting of 1200 mechanics to form "resolutions for their conduct." They chose a committee to co-operate with the merchants and to correspond with the New York mechanics. Their proceedings apparently continued even after the appointment of the permanent committee on June 18, and their activities must have aroused the ire of some of the conservatives. In any event, one of the mechanics, writing under the name of "Russel," saw fit to pen a reply to hostile critics. The proceedings of the mechanics, he said, had been misrepresented. They had no intention of casting aspersions on the committee of correspondence but merely wished to insure that action was taken enabling the Pennsylvania delegates at Congress to support non-importation.

37 Josiah Quincy, Memoir of the Life of Josiah Quincy, Jun. of Massachusetts (Boston, 1825), 169-170.
38 Penn. Gazette, June 15, 1774.
and non-exportation. The mechanics' support of non-intercourse in Philadelphia is parallel to the attitude taken by the same group in other commercial centers.

In the province outside of Philadelphia, the general attitude was probably in favor of more vigorous measures than in the city. "The country-people, said John Dickinson, "have so exact a knowledge of facts, and of the consequences attending a surrender of the points now in question, that they are, if possible, more zealous than the citizens, who lie in the direct line of information." One of the "country people," Edward Shippen of Lancaster, gave forceful expression to the vigor of which Dickinson spoke. He had only scorn for Philadelphia's suggestion of a petition to the King; he was firmly convinced of the necessity of commercial coercion. Non-exportation to the West Indies would be especially efficacious:

If we should send no provisions...the people there would not only be half-starved, (I am not for starving them entirely,) but could not be making casks for the produce of their plantations; and as soon as these resolutions should reach the ears of the Parliament, these Solomons above mentioned [West India planters in Parliament] must call aloud upon the Premier to open our ports, and repeal the Tea Law.  

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39 Penn. Gazette, July 20, 1774.

40 Dickinson to Quincy, June 20, 1774, in Quincy, Josiah Quincy, 169.

One does not know, of course, how many other Pennsylvanians shared Shippen's strong opinions.

The town of Lancaster, probably under the control of people like Shippen, declared for immediate non-importation and exportation at a meeting on June 15. If Philadelphia would agree, they were ready to enter an association to that effect. Faced by Philadelphia's refusal to do so, the Lancaster county meeting on July 9 contented itself with resolving that it would adhere faithfully to any measures which might be adopted by Congress. Chester county, neighbor to Philadelphia, had a meeting on June 18, the same day as the city. That there was more than a coincidental connection between the two gatherings is demonstrated by the similarity of the resolves adopted by each. The resemblance even extended to the phraseology, Chester county declaring, just as Philadelphia did, that a Congress was the "most probable and proper mode of securing relief."

Northampton county on June 21 and Berks on July 2 both spoke in favor of a Congress and said that they would

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46 *Penn. Gazette*, July 6, 1774.
cheerfully concur in any measures taken by that body. York county on July 4 again made use of the Philadelphia phrase, "most probable and proper mode," in expressing its approba-

47 tion of Congress. "Every vigorous and prudent measure
ought speedily and unanimously to be adopted," voted Cumber-ound county on July 12. This county, in addition to
approving the Congress, gave explicit support to both
48 non-importation and non-exportation. Even Westmoreland,
the newest and westernmost of the Pennsylvania counties,
had a meeting at Hannastown on July 17. The resolves of
that meeting, along with the records of the committee of
correspondence which was appointed at the same time, have
49 been lost. Bucks and Bedford, the only Pennsylvania
county not mentioned, seem not to have had any meetings on
the subject of the Intolerable Acts and the approaching
Congress. It is apparent from what has been said about
these local proceedings that Joseph Reed, in speaking of
the possibility of non-importation and non-exportation, was
not quite accurate when he told Dartmouth on July 25, "It
is at present the sense of the inhabitants of Pennsylvania
that no measure of opposition to the Mother Country should

47 Penn. Gazette, July 20, 1774.

48 Hazard, Register of Penn., 3:37.

49 Edgar W. Hassler, Old Westmoreland: A History of
Western Pennsylvania During the Revolution (Cleveland, 1900),
11-12.
be adopted until other modes have failed of success."

Though not one of the important colonies, New Jersey was the scene of a good deal of local activity during the summer of 1774. Only one report of a town meeting has been found. This meeting at Lower Freehold, perhaps the first New Jersey gathering on the subject of the Port Act, voted in favor of non-importation and non-exportation. Other New Jersey proceedings were on the county level. Essex county led the way on June 11 with a vote of support for the Congress and for a plan of non-importation. At least ten other New Jersey counties met subsequently to express their opinion on the state of affairs. Of these, only two, Bergen and Salem counties, failed to give specific approval to some sort of commercial coercion. Monmouth county went so far as to say that it would support cessation of commerce with Great Britain and "even (painful as it may be) with the West Indies." Most of the counties, however, were content to let the terms of non-intercourse be regulated by the approaching Congress. There was, of course, unanimous approval of the Congress, and all of the counties announced their willingness to abide by its decisions. The Philadelphia phrase, "probable and proper," crops up

50 Reed, Joseph Reed, 1:70-71.
51 Archives of the State of New Jersey, 1st series, 29:413.
52 Ibid., 1st series, 10:465-467.
again in New Jersey; Salem county, not far from Philadelphia, used it in its resolutions. The general tone of moderation noticeable in the Salem resolves and its belief that the Congress should consist "of men of the first character in every province, in point of fortune, integrity, and abilities" give further reason to suspect that the conservative influence of Philadelphia was strongly felt in Salem county. All meetings expressed sympathy with the plight of Boston and appointed committees to supervise the collection of donations of cash and food to be sent to the blockaded city. 53

One defect, from the point of view of the historian, common to nearly all of the reports of local meetings in the summer of 1774, is the absence of any indication of how many people were present. Thus, one can never be sure whether the resolutions of any one county or town represented the sentiments of the majority of the citizens or merely of an active minority. This defect is remedied, to a certain extent, in the official report of the meeting of Kent county in Delaware on July 20. "Several hundred" inhabitants were said to have been present. There was nothing extraordinary in the resolutions passed. Boston was said to be suffering in the common cause, approval of a Congress was voiced, and non-importation was said to be the most effective plan of

53 Archives of the State of New Jersey, 1st series, 29:411-430.
The other two Delaware counties, Newcastle and Sussex, approved resolutions which were almost identical with those of Kent. By use of the familiar phrase, "probable and proper mode," in referring to the necessity of a Congress, all three Delaware counties showed that they, too, were aware of the Philadelphia resolves. The specific approval, however, given by all three to some form of non-intercourse shows that the Philadelphia influence was not completely dominant in Delaware. The Newcastle committee of correspondence was so sure of the favorable attitude of the people toward non-importation and non-exportation that they wrote to the Virginia committee on May 26, "We apprehend a measure of this sort a necessary previous step in the present Exigency, and from our knowledge of the sentiments of the people within this small government, we can, with confidence say that they would generally approve and firmly support such an engagement if adopted by the principal colonies."

In all of the middle colonies, then, with the exception of the province of New York outside the city, there was a good deal of local agitation during the summer of 1774. There was wide variation in the resolves of the individual

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54 Penn. Gazette, Aug. 3, 1774.
55 Force, Am. Arch., 4th series, 1:
56 Calendar Va. State Papers, 8:56.
meetings, but there was a good deal of popular support for some form of non-intercourse and an even wider determination to abide by the decisions of the Congress, whatever they might be. Expressions of sympathy for Boston were unanimous, though some of these may have been induced by fear that Parliamentary vengeance would be extended from Boston and Massachusetts to other colonies.

III. The Plantation Colonies

No group of colonies was more active in expressing its resentment to the Intolerable Acts than those in the South, especially Maryland and Virginia. Proceedings were generally on the county level, as might have been in expected in a region with relatively few urban settlements to serve as focal points for activity. Making due allowance for many individual exceptions, it may be said that the resolves entered into in the plantation colonies were more specific and more radical than those in any other section of the continent.

The town of Annapolis inaugurated activity in Maryland with a town meeting on May 25. The influence of the Boston resolution of May 13 was immediately apparent when it was voted that Boston was suffering in the common cause and that Annapolis was willing to enter a general Association to stop all exports immediately and all imports after a certain day.
This latter provision calls for some note, since the general trend in the plantation colonies was to be in favor of immediate stoppage of imports and a stoppage of exports only after a delay to allow for the shipping of current crops. No explanation of this difference can be suggested. A further resolution of the Annapolis meeting which demands attention is one which recommended that the courts try no more cases involving the recovery of debts owed to England by citizens of Maryland until the Port Act was repealed. Such a recommendation was to be repeated by a number of other localities, especially in Virginia, offering eloquent testimony to the importance of the subject of debts owed to Britain by planters in the tobacco colonies. There was considerable dissent from the debt resolution in Annapolis; consequently, another meeting, held on May 27, confirmed all of the resolutions as originally voted. Even so, a protest, bearing the names of 161 signers, claimed that the non-payment of debts would ruin British creditors and destroy Maryland's credit at home. William Eddis made it clear that it was only against the debt resolution that the signers were protesting: "I need not mention that it is a particular resolution against which the protest is levelled; the others being of too

57 Maryland Gazette, May 26, 1775.
58 Ibid., June 2, 1774.
popular a nature to admit of opposition." Finally, it should be mentioned that the Annapolis meeting recommended that the province break of all relations with any colony failing to enter a general association and also appointed a committee of correspondence.

On May 30 Queen Anne county expressed the opinion that the only effectual means of obtaining redress was a strong Association to break off all commercial ties with Great Britain. This agreement, said the meeting, should be entered into by "a general meeting of the gentlemen who are already or shall be appointed Committees to form an American intercourse and correspondence upon this most interested occasion." Baltimore county also recommended a Congress and favored non-importation and non-exportation. The peculiar Annapolis order in the application of the latter two measures was advocated by the Baltimore meeting, which was willing to join in an Association to stop exports after October 1 and imports after December 1. In subsequent meetings Kent County made no mention of non-intercourse, but Anne Arundel favored both non-importation and non-exportation. The latter county also recommended that suits for the collection of debts be suspended, approved of the continental

60 *Maryland Gazette*, June 9, 1774.
Congress, and advocated a boycott of any colony failing to join a general association. Harford county almost duplicated the resolves of Anne Arundel, but there was an additional vote of disapproval of any merchant who should raise his prices in consequence of an anticipated shortage. The Charles county resolution regarding non-importation and non-exportation was typical of the pattern followed in Virginia and later adopted in the Virginia Association and the Continental Association. Non-importation, said Charles county, should begin on August 1, 1774 while non-exportation should be deferred until October 31, 1775. The two other Maryland counties for which resolves have been examined, Caroline and Frederick, both approved of complete non-intercourse without specifying dates of application, both favored the non-collection of debts, and both recommended a boycott of any province or town refusing to enter a general association agreed upon at a Congress.

The trend of local meetings in Virginia was bound to have an important effect on proceedings elsewhere, for Virginia was the oldest and most populous of the colonies. As Charles Thomson told the Virginia Committee: "You are

62 Maryland Gazette, June 9, 1774.
64 Maryland Gazette, June 16, 1774.
ancient. You are respected. You are animated in the
cause." Many reasons have been suggested for Virginia's
animation in the cause. Harrell has emphasized the problem
of the heavy indebtedness of the Virginia planters, and
Dworsd has pointed out the resentment of Virginia land spec-
ulators against the British policy of restriction in the
West, while Eckenrode has denied any economic motivation on
the part of the Virginians, insisting that it was their in-
tense preoccupation with political and constitutional pro-
blems which led them to take such an active part in the
agitaton against the authority of parliament. No attempt
will be made here to solve this problem of interpretation,
except to say that the views both of Harrell and Eckenrode
receive support from an examination of the proceedings of
Virginia county meetings during the summer of 1774. The
importance of the question of debts is evident from the
number of counties which favored the suspension of collections,
and it is impossible to read through the various resolves
without coming to the conclusion that many of the Virginians
were indeed preoccupied with questions of liberty, law, and
the British constitution. So far as is known, none of the
Virginia counties mentioned the land question in their
resolves; but this, of course, does not imply that the pro-
blem was not an active factor in Virginia's participation

66 Calendar Virginia State Papers, 8:61-62.
in the "revolutionary movement."

Of the sixty-one counties in Virginia, at least fifty-two, according to one source, had meetings of one sort or another during the summer of 1774. The resolves of thirty-one of these are still extant, and the presumption is that the other twenty-one also had meetings since it is known that they appointed county committees. For this study, the resolves of twenty-nine county meetings were available in Force's American Archives and in the files of the Virginia Gazette. There would be little point in trying to list all of these. It may, on the other hand, be profitable to point out some of the salient features of the general run of the resolutions, to discuss a few at greater length, and to mention some exceptions to the general trends.

The most obvious characteristic of the various sets of resolutions is the strong support offered for measures of non-intercourse. Not less than twenty-five counties gave specific approval to some sort of commercial coercion, either non-importation or that plus non-exportation. There are, naturally, many variations in detail, some suggesting dates on which the measures should go into effect, others specifying certain things which should be excepted from any non-importation agreement. The resolutions of Chesterfield

county provide a list of these suggested exceptions, somewhat longer than the usual: "medicines, paper, books, needles, cotton, wool, and clothier's cards, steel, gunpowder, German oznabrigs, hempen rolls, negro cotton & plains, Dutch blankets, salt-petre, and implements necessary for the manufacturing of woolens and linen." 68 Princess Anne county, while favoring non-intercourse with Great Britain, announced itself as being "against every motion or proposal for clogging the usual imports from, and exports to, the West Indies." 69 Hanover county said that "a regard for justice" hindered it from adopting non-exportation immediately. 70 Testimony as to the strength of sentiment in favor of the cessation of trade can be derived from sources other than the county resolutions. For instance, Landon Carter, certainly no radical, wrote in his diary that support for non-intercourse was "Pretty unanimous" with the exception of certain Scotch merchants who were enemies of American liberty. 71 James Madison, to cite another example, wrote, "The natives are very unanimous and resolute, ... and I believe are willing to fall in with the other colonies in any expedient measure, even if that

68 Virginia Gazette, July 14, 1774.
70 Ibid., 1:615-616.
71 William and Mary College Quarterly, 14(1905-06):245-246.
should be the universal prohibition of trade."\textsuperscript{72} Middlesex county was the only one which turned thumbs down on extensive commercial coercion: "...an unlimited non-exportation and non-importation scheme is impracticable; and were it not so, would be irreconcilable with every principle of justice and honesty, injurious to the commerce, and fatal to the credit of this colony."\textsuperscript{73} There is no discernible geographic pattern in the resolutions on non-intercourse, those counties voting for it being scattered about in all parts of the colony.

At least seven counties - F prince William, Westmoreland, Richmond, Essex, Gloucester, Fairfax, and Fauquier - recommended that suits for recovery of debts be stopped after non-importation went into effect or until the Intolerable Acts were repealed. Perhaps some significance may be drawn from the fact that all of the seven counties favoring the non-payment of debts were in the part of Virginia known as the Northern Neck, a region generally thought to have been a center of political radicalism. Only one county, Middlesex again, expressed itself unequivocally against the suspension of debt payments: "...the just creditor deprived of property; and the dishonest debtor triumphant;" these would be

\textsuperscript{72}Madison to William Bradford, July 1, 1774, in Irving Brant, James Madison, the Virginia Revolutionist, 1751-1781 (New York, 1941), 141.

\textsuperscript{73}Force, Am. Arch., 4th series, 1:552.
the "bitter fruits" of such a policy. As a matter of fact, many of the Virginia courts seemed to have ceased doing business during the summer of 1774. Ostensibly, the reason for this closing of the courts was the failure of the Burgesses to pass a fee bill, but at least two contemporaries believed that it was due to resentment over the Port Act. "In this part of the Country," wrote one Virginia merchant, "our Courts have given out doing Business. Some of our Justices say they won't even grant attachments, however necessary they may appear, if the debt is due to Gentu. in G. Britain. Some Clerks also refuse to grant writs for the same reason, tho' they would have it to appear that this refusal proceeds only from the Expiration of their Fee Bill." Another merchant reported, even earlier, that "Several of the County Courts have stopped setting till the Boston Act is repealed."76

Almost without exception, the Virginia county meetings resolved that Boston was suffering in the common cause of America and appointed committees to supervise the collection of donations. Again, the only significant exception was Middlesex; apparently the citizens of this county thought that Boston was getting its just deserts even though the tax on tea might be a violation of American liberties. "We do


75William Allason to Walter Peter, July 1, 1774, in Richmond College Historical Papers, 2(1917):154.

not approve," said Middlesex, "of the conduct of the people of Boston in destroying the tea belonging to the East India Company; . . . we apprehend violence cannot justify violence: reason and policy declaim against it."77 Two others, Hanover and Dinwiddie, were not sure whether or not Boston's violence was justifiable; but they were certain that the punishment was too severe.

Many of the counties expressed their sentiments against the African slave trade, and some were willing to extend non-importation to include negroes. Many passed miscellaneous resolves favoring the encouragement of domestic manufactures, an increase in the number of sheep in the colony, and the discouragement of unnecessary luxuries and amusements. York county recommended "that horse-racing, and every species of expensive amusement, be laid aside, as unsuitable to the situation of the country, and unbecoming men who feel for its distress."78 All of the meetings favored the approaching provincial convention; and many gave specific approval to the continental Congress, announcing that they would cheerfully abide by its decisions.

Particularly interesting are the resolves of Albemarle county. The product of the pen of Thomas Jefferson, they give

78 Ibid., 1:595-596.
cogent expression to his view of the relationship between the colonies and the mother country. They denied, categorically and unequivocally, that Parliament had any legislative authority whatsoever over the colonies:

... the inhabitants of the several States of British America are subject to the laws which they adopted at their first settlement, and to such others as have been since made by their respective Legislatures, duly constituted and appointed with their own consent. That no other legislature whatever can rightfully exercise authority over them. 79

Certainly no other public meeting at this time took a more radical constitutional position than this; there is not a wide gap between this statement and the Declaration of Independence.

The Fairfax county resolutions also demand particular attention, for their specific terms became the model for the Virginia Association which in turn served as the basis for the Continental Association. George Washington was in the chair at the Fairfax meeting, and the resolves were drawn up by George Mason. 80 The constitutional position of the colonies was examined at some length, and it was concluded that only colonial legislatures were competent to pass laws for the colonies subject to the royal veto. The

colonies had submitted to moderate commercial regulation on the part of Parliament, though it was unconstitutional, because of the mutual benefits derived therefrom. It was acknowledged that the colonies had a duty to share in supporting and defending the empire, but all claims of Parliament to the right of taxing the colonies were invalid and tended to the destruction of the assemblies. Recent legislation passed in Britain was all part of a premeditated plan to reduce the colonies to slavery. Boston was suffering in the common cause, and a subscription for her relief was put under way. The county might share in paying for the destroyed tea, but only if colonial grievances were first redressed. There were to be no further dealings with the East India Company. A continental Congress was a necessity, and the county would abide by its decisions. Home manufactures should be encouraged. Importations should be stopped, with a few exceptions, after September 1, 1774, and merchants and vendors should take an oath to this effect. There should be no raising of prices and no more importation of slaves. All exports should cease after November 1, 1775 if redress of grievances had not been obtained by that time. If non-exportation went into effect, there should be no suits for the collection of debts. The approaching Congress should adopt a "Solemn Covenant and Association" embodying these provisions, and care should be taken to publish lists of
names of violators of such an agreement. Finally, it was recommended that the Congress draw up a petition to the King setting forth the rights and grievances of the colonies. 81

Governor Martin, who had not been getting along well with the people of North Carolina, wrote disgustedly to Dartmouth: "Your Lordship will not I daresay be surprised to hear that the People of this Colony have followed the example of the rest of the continent in caballing and forming resolutions upon the late measures of Government." 82

The "caballing" of the North Carolinians came somewhat later than in most of the colonies, all but one of the county meetings taking place in August. The Colonial Records indicate that seven counties had meetings, the resolutions of which were quite similar in content to those in Virginia. Only two counties, Rowan and Anson, gave specific mention to non-intercourse; but the others announced their readiness to abide by the decisions of the provincial and continental Congresses. The most conservative resolves were entered into by Granville county. They were dubious about the necessity for the destruction of the tea by Boston, although they felt that the Port Act was unconstitutional. The suspension of trade with Great Britain was "a measure not to

be entered into with precipitation;" and "a suspension of the proceedings at Law is equally dangerous; for where there is no Law, there is no Freedom." The North Carolina committee of correspondence was confident, however, that a complete stoppage of commerce with Great Britain and the West Indies would be agreed upon by the provincial convention when it met late in August.

In South Carolina all agitation was confined to Charleston. News of the act did not arrive until May 31, having been forwarded by the Philadelphia committee of correspondence. A meeting at Charleston on June 13 decided not to take any action except to summon a provincial meeting to convene at Charleston on July 6. Since this meeting elected the colony's delegates to the Congress, further consideration of it will be left until the next chapter.

People in South Carolina, according to Georgia's Governor right, were "very busy in sending handbills, letters, and publick invitations, &c, &c, to stir up the people here to concur with them, and follow their example." Coaded on, perhaps, by this agitation from South Carolina,

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84 Calendar Virginia State Papers, 8:64-65.
85 Deyton, Memoir of the Revolution, 1:111-112.
certain "malcontents and Liberty people" called a meeting in Savannah on the 27th of July. At this meeting a committee was appointed to draw up a series of resolutions, and the meeting adjourned until August 10. Each parish in the province was invited by letter to send delegates.\footnote{\textit{The Revolutionery Records of the State of Georgia, 1:11-13.}} The resolutions adopted on August 10 were in no way unique. They protested against the Intolerable Acts, denied Parliament's right to tax the colonies, promised Georgia's adherence to any general measures, and appointed a committee of correspondence.\footnote{\textit{Ibid.}, 1:15-17.} Despite the comparative mildness of these sentiments, they seem to have roused a good deal of resentment throughout the colony because of high-handed measures used to insure their approval. A protest, signed by one-third of the inhabitants of Savannah, is worth quoting:

\...the important meeting of the 10th of August, ... was held at a tavern, and it was said, twenty-six persons, with the door shut for a considerable time, undertook to bind them by resolution; and when several gentlemen attempted to join, the tavern-keeper, who stood at the door with a list in his hand, refused them admittance, because their names were not mentioned in that list. ... it is conceived that shutting the door and refusing admittance to any but resolutioners, was calculated to prevent the rest of the inhabitants from giving their dissent to measures that were intended to operate as the unanimous sense of the province.\footnote{\textit{Ibid.}, 1:18-19.}
Other protests and dissents were circulated in the various parishes and attracted large numbers of signers. Resentment towards Britain had apparently not taken deep root in Georgia by 1774.

Here, then, is the outline of local proceedings during the summer of 1774 demonstrating popular resentment against the pretensions of the British parliament and expressing approval of the Congress which had been agreed upon. It remains now to see how the delegates to the Congress were elected and what instructions they carried with them to Philadelphia.
CHAPTER FOUR

The Selection and Instruction of Delegates

I. How the Delegates Were Selected.

It should not be necessary to labor the point that there was almost unanimous support for the continental Congress before it met. One finds it hard to agree with the writer who said, "The summoning of the congress had been engineered chiefly by the radical element..."{1} As we have seen, conservatives as well as radicals expressed their approval of such a gathering; conservative groups in New York and Philadelphia were, it will be remembered, at least partly responsible for the decision to hold a Congress. There can be no argument with John Dickinson's statement,"...the Colonies, ...are very unanimous in the measure...of a Congress."{2}

This unanimity of opinion on the necessity for a con-

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2 Dickinson to Quincy, June 20, 1774, in Quincy, Josiah Quincy, 169.
tinental meeting did not extend, however, to a conception of its proper function. As John Adams put it: "The ideas of the people are as various as their faces. One thinks, no more petitions, - former having been neglected & despised; some are for resolves, spirited resolves, and some are for bolder counsels." The "bolder counsels" were the measures of complete non-intercourse advocated by the radicals. It was a foregone conclusion that radical delegates in Congress would press for the adoption of some such scheme. It is just as clear that conservatives in general hoped to confine the action of Congress to a "firm and decent" petition to the King and to resort to commercial coercion only as a last desperate resort. Contemporaries were well aware of this fundamental difference of opinion; they were not misled by the outward agreement on a Congress. Take, for example, a letter written by the Baltimore committee of correspondence:

"Although the gentlemen of Philadelphia have recommended a general congress for proceeding by petition or remonstrance, we cannot see the least grounds of expecting relief by it. The contempt with which a similar petition was treated in 1765, and many others since that period, convince us that policy or reasons of state, instead of justice and equity, are to prescribe the rule of our future conduct, and that something more sensible than supplications will best serve our purpose. The idea of a general congress, held forth by our resolves, is merely to unite such colonies as will associate in a general

system of non-exportation and non-importation, both to be regulated in such degree and manner as most suitable to the circumstances of each colony. 4

If most conservatives did not look beyond a petition to the King for the removal of immediate grievances, a smaller group, possessed of greater vision, had in mind the idea that the Congress should adopt a permanent plan of union with the mother country. Such a plan, putting the relationship of England and America on a constitutional basis, might well put an end to the constantly-recurring disputes about the proper place of the colonies in the imperial framework. An important proponent of this idea was Joseph Galloway, whose Plan of Union was to be a major issue in the Congress. The Pennsylvania committee of correspondence, of which Galloway was the dominant member, propagated this idea vigorously during the summer of 1774 in letters to other colonies. In the Congress, "...every measure which can only serve to irritate and not convince; every Act of violence or even the appearance of it should be carefully avoided," said the Pennsylvania committee. In the place of such measures, something should be done "to ascertain our rights and establish a political union between the two countries with the assent of both, which would

effectually secure to Americans their future rights and privileges." Thomas Wharton, too, had the vision of a permanent union: "The intent of this Congress, is to endeavour to form a constitutional plan for the government of America, and if possible to point out such heads that we may unite with the mother country in a Constitutional Union." From New York came another expression of approval for the plan of an "American constitution" which was "digesting at Philadelphia." "I hope it is for a Parliament and to meet annually," wrote Councillor Smith. The radicals could be expected to oppose any such serious attempts to achieve a permanent reconciliation with England. Conservative opinion, however, was probably divided, with many of them preferring to press for a return to the status-quo before 1763 rather than try to tie America more closely to the mother country.

Given the sharp differences of opinion regarding the proper function of the Congress, it must be apparent that


there would be concern over the methods of selection of the delegates; for the process of selection would have a great deal to do with determining whether the representatives would be conservative or radical. Pennsylvania conservatives, in particular, seem to have been concerned over the methods of selection. The letters of the Pennsylvania committee cited above called for "constitutionally chosen" representatives, by which was meant, preferably, that the delegates be selected by the assemblies acting as such or as provincial conventions in case the governors could not be persuaded to call the assemblies into session. An unidentified item from Philadelphia, which sounds as if it might have been written by Galloway, said, "...we cannot be too early in giving all regularity and stability to our proceedings." With this in mind, the author advised that the delegates be appointed by the "Representatives met in their legislative capacity." If the assembly could not be called into session, then the selection should be made by a provincial convention elected by the freemen qualified to vote for the lower house.\(^8\) If, as seems probable, this concern over the methods of selection was dictated by fear that a lack of "regularity" would result in the choosing of radical delegates, then it appears that such fears were groundless. The New York delegation, for example, was

\(^8\)Force, \textit{Am. Arch.}, 4th series, 1:441.
selected neither by the assembly nor by a provincial convention, yet none, with the exception of the one from Pennsylvania, was more staunchly conservative. Conversely, the more radical delegations were all selected by the assemblies or by duly elected provincial conventions. It seems that control of the appointing body, not the method of selection, was the critical factor in determining the character of the delegations.

Unfortunately for the historian, it is not possible to determine, in most of the colonies, whether or not there was any kind of a struggle over the selection of delegates. In most cases, all that is available is the official proceedings of the convention, or of the session of the assembly, which elected the delegates, with no indication of the kind of debates which took place. The only two exceptions to this statement are New York and South Carolina, where the selection of delegates was not in the hands of the assembly or of a provincial convention. In both of these places contemporary reports indicate that there was a lively dispute over the question of who should speak for the colony at the Congress.

In New York, it will be remembered, the conservatives were firmly in the saddle in the committee of Fifty-One. The radicals, however, continued to exert pressure through a "Committee of Mechanics," an organization which seems to have
supplanted the "Sons of Liberty." At a meeting of the Fifty-One on June 27 Alexander McDougall moved that the question of the proper method of selecting the delegates be brought up. After some debate, action was postponed until June 29. At that time the radicals proposed that a slate of five names be drawn up by the Fifty-One, submitted to the Committee of Mechanics for concurrence, and then presented to the freeholders and freemen for their approval. The aim of the radicals, evidently, was to secure recognition for their organization as a body having concurrent authority with the Fifty-One. The conservative majority again postponed the decision by adjourning the meeting. MacDougall's motion was presented again on July 4, and was voted down. A conservative motion which omitted any reference to the Committee of Mechanics was then carried without a division. Speaking for the radicals, P. V. B. Livingston immediately proposed a slate of delegates composed of Isaac Low, James Duane, Philip Livingston, Alexander MacDougall, and John Morin Scott. The majority objected to the last two names, and they were replaced by John Jay and John Alsop. It was then voted to submit this slate to a public meeting on July 7 at the City Hall.9

The radicals, however, had no intention of acquiescing meekly in their own defeat. A meeting of the Mechanics on

July 5 voted to reject Alsop and Duane and to substitute MacDougall and Leonard Lispenard in the slate of delegates. An advertisement was published urging all "mechanics" and "every other friend to the liberty of his country" to attend the meeting on July 7 to vote for the radical slate which now consisted of Low, Livingston, Jay, MacDougall, and Lispenard. The radical hand was further strengthened by the action of a "numerous meeting" in the fields on the evening of July 6. This meeting, called by the radicals and presided over by MacDougall, passed without dissent a series of resolutions expressing strong resentment at parliamentary action and favoring the adoption of non-importation and non-exportation. The resolutions were ordered to be printed and sent to the other colonies. 10 Backed up by this popular support, the radicals were ready to enter the lists for the selection of delegates the next day.

Of the meeting at the City Hall on July 7, no report, apparently, has been discovered. It is obvious that, for one reason or another, the meeting failed to accomplish its stated purpose of approving a slate of delegates. Instead, the committee of Fifty-One, presumably acting at the order of this gathering, proposed a new method of selection. A sub-committee of the Fifty-One was to meet with a group

10N. Y. Gazeteer, July 14, 1774.
from the mechanics to select two or more persons from each ward to conduct a canvass of the "freeholders, freemen, and such of the inhabitants who pay taxes." The two lists of delegates were to be submitted to the voters and each was to sign one list.\textsuperscript{11} It will be remembered that Snow, Livingston, and Jay appeared on both lists, while Duane and Alsop were replaced by MacDougall and Lispenard on the radical ticket. Thus, voters who wanted to choose MacDougall would have to reject both Duane and Alsop. The radicals apparently objected to this procedure, proposing instead, according to a public letter written by MacDougall, "that seven columns should be ruled, one for each of the persons nominated, and that the elector's name should be put down and the persons in respective columns for whom he should vote."\textsuperscript{12} Both sides refused to give in, and the proposed canvass was never made. It seems that MacDougall, in disgust, issued a public statement of resignation as a candidate. The city was no nearer than before to a solution of the problem of the election of delegates.

In the meantime, a violent dispute had rent the committee asunder. On July 7 Mr. Thurman offered a motion censuring the meeting in the fields on the previous evening, grounds for the censure being that the meeting had been


\textsuperscript{12}Becker, New York Parties, 125n.
called without the consent of the committee and that the resolutions there approved had been falsely asserted to be representative of the sentiments of the whole city. The motion was carried, together with a motion to publish the resolution of censure. Incensed by this public slap in the face, eleven radical members of the committee, led by MacDougall, Francis Lewis, Isaac Sears, and P. V. R. Livingston, resigned publicly the next day, asserting that the people had a perfect right to assemble at any time and condemning the committee for having constantly refused to publish its proceedings until the time of the resolution of censure. "One of the committee" wrote a reply to the radical's letter of resignation, saying that the people did have a right to meet whenever they pleased, "but you would think me a very impudent fellow... if I, as a member of that committee, was to call you together this evening by an anonymous advertisement and propose a set of resolves... of the last importance, without... consulting your committee on that occasion." The motion of censure, he said, has been put in the mildest possible terms, and those who left "in a rage" were "answerable for the consequences of a division, if a division must take place." 13 Without the participation

13The committee proceedings regarding the motion of censure, the radicals' letter of resignation, and the reply by "One of the Committee" are in N. Y. Gazetteer, July 14, 1774; and Force, Am. Arch., 4th series, 1:311-315.
of the radicals, however, the committee could no longer be said to be a body which was, in some sense, representative of the whole city.

The committee, nevertheless, continued its work. On July 13 it approved a set of resolutions to be submitted to a public meeting on July 19, at which time the conservative slate of delegates would once more be presented for approval.\(^{14}\) The proposed set of resolutions set forth the conservative point of view: the Fort Act was dangerous, and all reasonable assistance should be given to Massachusetts; the proposed Congress was the best method of procedure, but it was premature to instruct the delegates beforehand; and only the direst necessity would justify any measure which would be injurious to the English merchants.\(^ {15}\) The radicals were disgusted by the tameness of these statements; John Lamb published a handbill pointing out their deficiencies and urging their amendment.\(^ {16}\) In consequence, the radicals turned up at the meeting of the 19th in such numbers that they controlled the proceedings from beginning to end. According to William Smith's account: "The town met...to choose Delegates for the Congress, & approve certain pusil-

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\(^{15}\) Historical Manuscripts Commission, _Fourteenth Report_, Appendix, Part X, 223.

\(^{16}\) Leake, _John Lamb_, 93.
lanimous Resolves. Scott made a speech, & to the Confusion of the Committee their proposed Resolves were rejected...17 Another report of the meeting, which was sent to Boston, said that resolutions had been unanimously rejected "as being destitute of vigour, sense, and integrity." A new committee of fifteen was appointed to draft suitable resolves. The same report also stated that two "unexceptionable friends of liberty" had been added to the delegates.18 In the light of this statement it is difficult to see how Becker can assert that "the decision of the people with reference to the delegates was apparently affirmative in character."19 It is impossible, of course, to say definitely who the two new delegates were; but it is probably a safe bet that MacDougall was one of them.

After suffering defeat at the meeting of the 19th, the Fifty-One and its adherents made haste to disavow the proceedings of the gathering which was of its own calling. A statement prepared by the committee on the evening of the 19th announced that the results of the public meeting were "inconclusive" and that further efforts would be made to determine the sense of the people. In the meantime, they announced, they would publish their rejected resolves in a

17Stokes, Iconography, 4:360.
slightly amended form. The amendments consisted of a more vigorous expression of opposition to the Port Act and the rewording of the resolution on non-importation. The committee still felt that non-importation would only be justified by direst necessity, but the expression of concern for the English manufacturers gave way to the statement that the preservation of rights and liberties should supersede all other considerations. On the next day, July 20, Alsop, Low, and Jay published a card declining to serve as delegates until the sentiments of the people should become more fully known. This resignation offers further support for the belief that the meeting had chosen these three, together with two radicals, as delegates. If, as Becker says, the whole conservative slate was elected, why this resignation? If, as Becker also says, the conservatives resigned because they did not desire to accept election at the hands of a meeting controlled by radicals, why then did just these three, and not the entire slate, resign? The only explanation which is logically possible is that the three conservatives were unwilling to regard themselves as duly chosen as long as they would be expected to serve with two radicals. Further rebuke was offered to the meeting of the 19th by Low, Jay, John Moore, and Henry Remsen who had been chosen

21Ibid., 1:317.
to serve on the new committee to draft resolutions. announcing that they considered the results of the meeting to be a reflection on the committee of Fifty-One, they refused to serve on the new committee to which they had been elected. They further stated that the resolves of the Fifty-One, as amended, expressed their own sentiments adequately. 22

The radicals, having shown their strength in the meeting of the 19th, immediately began to abandon their extreme position. The resolutions committee, completely in radical hands after the resignation of the conservative members, approved a new set of resolutions which abandoned all mention of non-intercourse and favored a provincial Congress for the election of delegates. Further conciliation was offered by a resolution approving the conduct of the Fifty-One in regard to the relief of the poor in Boston. 23 The Fifty-One ignored the suggestion of a provincial meeting, but offered, on July 25, a new plan for the election of delegates. The regular polling places were to be opened on Thursday, July 28 for the election of five delegates, supervision of the election to be in the hands of the aldermen, common council, and vestry and, in each ward, two supervisors appointed by the mechanics and two by the Fifty-One. All freeholders,

freemen, and "persons who pay taxes" would be eligible to vote. 24 Not only did the radicals agree to the new election proposal, they took steps to withdraw their own ticket from the field, although there was nothing to stop them from supporting it in the election. On July 27, regardless of their hard-won victory of the 19th, a sub-committee of the mechanics wrote a letter to the conservative nominees offering them the support of the body of mechanics if they would engage to support measures of non-importation in the Congress. The reply of the nominees (or four of them, since Duane was out of town) was evasive in the extreme. They refused to commit themselves beyond a statement that they would use their "utmost endeavors to carry every measure into execution at the proposed congress, that may then be thought conducive to the general interest of the colonies; and, at present, are of opinion that a general non-importation agreement, faithfully observed, would prove the most efficient means to procure a redress of our grievances." Though it failed utterly to give the unqualified pledge to work for non-importation which the original radical letter had demanded, this reply was deemed satisfactory; and the mechanics announced their support of the conservative slate. 25 In the face of the radical withdrawal, the election was a mere for-

25 Ibid., 1:319.
mality. On the evening of the 28th the Committee of Fifty-One had the satisfaction of announcing that Philip Livingston, Isaac Low, John Jay, John Alsop, and James Duane, "The persons nominated by this committee," had been elected unanimously. 26

Despite the wealth of detail available regarding the selection of delegates in New York city, the story which emerges is by no means completely satisfactory. The evidence collapses at several crucial points. What happened at the City Hall meeting on July 7? Who were the "unexceptionable friends of liberty" added to the delegates at the meeting of the 19th? Why did the radicals modify their resolves after having been victorious on the 19th? And, above all, why did the radicals withdraw their slate from the election of the 28th? Fear of defeat, it might be argued, was the reason. But if the radicals could muster sufficient strength to run roughshod over the conservatives on the 19th of July, is it not reasonable to suppose that they could have found votes enough to elect their own slate on the 28th. It is impossible to avoid the suspicion that some sort of a deal had been consummated between the radicals and conservatives, but the point is impossible to demonstrate in the absence of further evidence. Unless hitherto unknown sources are discovered, the dark spots in our knowledge of the New York situation will probably remain without light.

The five delegates selected in New York city were chosen to represent only that city and county. As soon as the election was over, the Fifty-One wrote letters to the various counties announcing the result and requesting the counties either to select their own delegates or to authorize the five city delegates to act for them. Three counties, Suffolk, Orange, and Kings, eventually elected their own delegates. Orange county chose its delegates, Henry Visner, and John Haring (or Herring), at "a meeting of the several committees of the County of Orange." Colden was encouraged by the fact that "not twenty persons" out of one hundred freeholders attended the meeting; but this does not necessarily indicate a lack of interest if it was, as indicated by the quotation above, a delegated rather than a mass meeting. Nothing is known about when or how William Floyd was chosen delegate for Suffolk, beyond the fact that the New York committee acknowledge receipt of the news of his selection on August 22. Simon Boerum, the delegate from Kings, was chosen by a meeting which can scarcely be called representative. If we may believe the story told by Joseph Galloway to Parliament, only two people,

28 Ibid., 1:322n.
one of them Boerum, were present at the meeting at which he
was elected. Boerum acted as chairman, the other as clerk;
and the latter certified that Boerum was unanimously elected
to Congress. At least one other county, Albany, origin-
ally appointed its own delegate, Philip Schuyler. The
selection was made by a majority vote of the committee of
correspondence for the county. Schuyler, however, was
obliged by ill health to turn down the selection, and
Albany then authorized the New York delegates to speak for
it at the Congress. Likewise, three other counties, West-
chester, Dutchess, and Ulster, approved the New York dele-
gates. Thus, eight of New York's counties were, in one
way or another, represented at the Congress.

In one other colony, South Carolina, there is contem-
porary evidence indicating that there was some dispute over
the selection of delegates. It will be remembered that in
South Carolina letters had been sent out from Charleston
inviting the parishes to send delegates to a meeting in the
capital on July 6. On that date 108 delegates from all
parts of the colony assembled, some parishes having as many

31 Balch, Examination of Joseph Galloway, 11. Galloway
later said that he had the story from "almost all the
delegates of New York. Ibid., 61.

32 Chairman of Albany Committee to Schuyler, Aug. 23,
1774, in Lossing, Philip Schuyler, 284.
as ten representatives, others having only one. Any slight resemblance between this meeting and a representative assembly was immediately destroyed when it was decided that votes would be recorded by individuals and that any one who came to the meeting could vote. The first day was occupied with debates over non-importation and non-exportation and the number and powers of the delegates. On the second day it was voted not to express specific approval of the Boston non-intercourse resolution, but to send five delegates to the Congress with unlimited powers.33 According to Edward Rutledge, this plan of avoiding specific resolutions while giving the delegates unlimited authority was proposed by him and his brother.34 The polls were opened on the same day, and all free whites were allowed to vote. By midnight it was determined that Henry Middleton, John Rutledge, Edward Rutledge, Christopher Gadsden, and Thomas Lynch had been chosen as delegates.35

The Charleston Chamber of Commerce had decided, according to Drayton, that the delegates to be selected must be opposed to non-importation and non-exportation since the merchants "dreaded nothing so much as that such a measure should take place in Congress." Accordingly, they had in


\[34\] Rutledge to Izard, July 21, 1774, in Anne Izard Deas, ed., Correspondence of Mr. Ralph Izard of South Carolina (New York, 1844), 3.

mind a slate composed of Middleton, John Rutledge, Rawlins Lowndes, Colonel Charles Pinckney, and Miles Brewton. To make certain that this slate was elected the merchants went in a body to the polls and took their clerks with them. This maneuver, however, aroused the "opposite party" to action. "The meeting," said Drayton, "accordingly took alarm; and many of them ran to all parts of the town to collect people and bring them to the poll; in consequence of which, the merchants were defeated."36 The defeat turned out not to be a severe one, for the delegation actually was weighted on the conservative side, with Edward Rutledge following his brother's lead even though he was a son-in-law of the radical Gadsden. The meeting lasted one more day after the election, and a committee of ninety-nine was appointed to direct affairs until the next meeting. This committee, which was vested with almost unlimited powers, was composed of 15 merchants and 15 mechanics to represent Charleston and 69 planters to represent the rest of the province.37

An official stamp of approval was placed on the proceedings of the Charleston meeting by the assembly which had

36Drayton, Memoir, 1:131. Most secondary authors have based accounts of the Charleston proceedings on Drayton's account, Ibid., 108-139. As far as the official account of proceedings goes, it indicates that Drayton is accurate.

37Ibid., 1:131-132.
been called into session on August 3. With deliberate intention, the assembly convened early in the morning before Governor Bull was awake. By the time he was aware of the situation, the assembly had approved the resolutions of the Charleston meeting and voted money for the support of the delegation at Philadelphia.\footnote{Mr. Farr to Izard, Aug. 8, 1774, in Deas, \textit{Izard Correspondence}, 8.}

It is necessary to turn now to the colonies which provided fewer fireworks in the selection of their delegates. Rhode Island was the first to act. Its assembly being in session, there was no necessity to summon a provincial convention or to resort to other expedients. On Monday, June 13 it was resolved that "... a Convention of Representatives from all the Colonies ought to be held in some suitable place, as soon as may be..." Stephen Hopkins and Samuel Ward were then chosen to attend the Congress as the representatives of Rhode Island.\footnote{\textit{Rhode Island Records}, 7:246.}

Massachusetts was the second colony to appoint delegates. On June 17 the House of Representatives voted that "a meeting of committees, from the several Colonies on this Continent is highly expedient and necessary, to consult upon the present state of the colonies." There were twelve votes against this resolution. The assembly then named James
Bowdoin, Thomas Cushing, Robert Treat Paine, John Adams, and Sam Adams as delegates and empowered any three of them to act on behalf of the colony. Conciliatory measures were not likely to make any headway in this delegation, dominated as it was by the two Adamses. As we have seen, the Massachusetts assembly also specified the time and place for the meeting of Congress. The proceedings were carried on behind locked doors while the Governor's proclamation of dissolution was being read on the steps outside the chamber. 40

In Maryland the appointment of the delegates was the work of a provincial convention, upon which there had been general agreement in the county proceedings. Representatives from all of the Maryland counties assembled at Annapolis on June 22. In a one-day session which could scarcely have offered opportunity for extensive debate, the convention appointed Matthew Tilghman, Thomas Johnson, Jr., Robert Goldsborough, William Paca, and Samuel Chase as delegates. Any two of those named could act as a quorum for the delegation. 41

The Connecticut assembly entrusted its committee of correspondence with the choosing of the colonies representatives at the Congress. The committee names, on July 15, Eliphalet Dyer, William Samuel Johnson, Erastus Wolcott,

41 Ibid., 1:438-440.
Silas Deane, and Richard Law, any three of whom might act as delegates. Johnson, Wolcott, and Law declined to serve and were replaced, on August 2, by Roger Sherman and Joseph Trumbull.\footnote{Force, Am. Arch., 4th series, 1:554.}

The method of the provincial convention was also used in New Jersey, Governor Franklin having refused to call the assembly into session. Delegates from all counties were present at New Brunswick for a one-day meeting on July 21. A series of resolves, in no way unique, was followed by the appointment of James Kinsey, William Livingston, John Dehart, Stephen Crane, and Richard Smith "or such of them as shall attend" to be the delegates for the province at Philadelphia.\footnote{M. J. Archives, 1st series, 10:471.}

Dissolved before it could take any action on the appointment of delegates, the assembly of New Hampshire issued a call for a provincial congress.\footnote{New Hampshire Provincial Papers, 7:399.} Eighty-five deputies were present when the provincial congress gathered at Exeter on July 21. It was voted unanimously to send delegates to the Congress, and Major John Sullivan and Colonel Nathaniel Wolsom were "appointed and empowered as Delegates on the part of this Province, to attend and assist in the General
Congress."\(^45\)

In Pennsylvania, it will be remembered, Governor Penn had refused to call the assembly into session when petitioned to do so by nine hundred inhabitants of Philadelphia. Charles Thomson, writing many years later to W. H. Drayton, said, "The refusal of the Governor to call the Assembly was far from being disagreeable to the advocates of America. They had no confidence in the members of the Assembly, who were known to be under the influence of Galloway & his party."\(^46\) It seems probable that the Governor was somehow made aware that action by the assembly was likely to prove more moderate than any taken by extra-legal gatherings. Certain it is that Penn did an about-face and summoned the assembly to meet on July 13 using the reason (or excuse) of serious Indian troubles in the West.\(^47\) It seems to have been generally assumed that the Assembly would appoint delegates, for the Philadelphia committee immediately invited all county committees to send representatives to Philadelphia on July 15 in order to draw up instructions for the delegates.\(^48\)

This first provincial convention of Pennsylvania,

\(^{45}\)New Hampshire Provincial Papers, 7:407.
\(^{46}\)N. Y. Hist. Soc., Collections, 1878, 279.
\(^{47}\)Penn. Gazette, July 6, 1774.
\(^{48}\)Ibid.
consisting of representatives from all counties, had nothing to do with the selection of delegates, except that it recommended to the assembly that it choose three from among its own members and three from among the members of the convention. The assembly, however, paid no attention to this recommendation, choosing seven of its own members to be delegates. Those chosen were Joseph Galloway, Samuel Rhoads, Thomas Mifflin, Charles Humphreys, John Morton, George Ross, and Edward Biddle, any four of whom could act as delegates.

The three counties of Delaware, failing to persuade Governor Penn to call the assembly into session, met in provincial convention on August 1. Believing that "the next and most proper method of answering the expectations and desires of our constituents...is to appoint Commissioners or Deputies...to meet and act with those appointed by the other Provinces in General Congress," the convention unanimously chose Caesar Rodney, Thomas McKean, and George Read as the delegates for Delaware. Any two of them might act on behalf of the colony.

The call for a provincial convention in Virginia was,


50 Pennsylvania Archives, 8th series, 3:7098-7099.

as we have seen, issued by the rump session of the Burgesses on May 30. Governor Dunmore then issued a call for a new House to meet on August 11. Scarcely had he issued the writs for the new election when he saw fit to prorogue the session, even before it began, until November. He had, presumably, decided that leaving necessary provincial business remain undone was preferable to having the Burgesses engage in extra-legal activity concerning the approaching Congress. The Virginians, in any event, went ahead with plans for their provincial convention which met on schedule from August 1 to August 6. The convention was in session long enough for plenty of debates to develop; but unfortunately the official proceedings which are available give no indication whether such was the case. Seven delegates were appointed by the convention: Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton.\(^{52}\) This group, although by no means radical in the sense of social philosophy, could be counted on to support vigorous measures of opposition to Britain at the Congress.

North Carolina was the last to appoint delegates. The suggestion of holding a provincial convention, it appears, was first made to the North Carolina committee by the

Massachusetts committee as early as June 1. The convention, however, did not assemble until August 27. The reason for the delay in the gathering of the convention may possibly have been a continued hope that the governor could be persuaded to call the assembly. Representatives of all but four counties were at Newbern when the convention met for a one-day session. It was resolved that William Hooper, Joseph Hewes, and Richard Caswell "and every of them" be deputies to attend the Congress. Having been chosen so late, the North Carolina delegation arrived in Philadelphia after the Congress had begun.

Georgia, alone among all the colonies, failed to send a delegation to Philadelphia. The group which was responsible for the proceedings described in the last chapter gave every appearance of intending to choose delegates; but, for one reason or another, nothing was done after the Savannah meeting of August 10. Perhaps the widespread protests against this meeting deterred the "Liberty people," as Wright called them, from further activity.


II. Analysis of Instructions

The instructions drafted by the various colonies offer further evidence of the confidence which they reposed in their delegates and in the results of a Congress in general. Many, like South Carolina, gave their delegates the widest possible latitude. Others, although giving more specific instructions, usually included blanket authority to vote with the majority of Congress on any measure not comprehended in the instructions. Thus, the members of Congress could not complain that their work was hampered by restrictive instructions from their constituents.

Perhaps the most important general remark to be made about the instructions as a whole is that no province forbade its delegates to support commercial coercion. Several, on the other hand, specifically authorized such action. Any hope, then, that the conservatives might have of avoiding non-intercourse would depend solely on the strength of the conservatives in Congress and on their skill in political maneuvering. Quite obviously, there would be a tug-of-war between conservatives and radicals in trying to win over delegations which had come to the Congress without avowed sentiments on the question of non-importation and non-exportation.

The New England colonies all contented themselves with very general statements of instruction. The Rhode Island
delegates were empowered by the assembly to sign a petition to the King, to consult on other "reasonable and lawful" measures to secure redress of grievances, and were directed to work for an annual meeting of the colonies. The New Hampshire convention confined its instructions to a simple, "... to devise, consult and adopt such measures as may have the most likely Tendency to extricate the Colonies from their present Difficulties." Massachusetts ordered its delegates to "consult upon the present state of the colonies" and to "deliberate and determine upon wise and proper measures" to secure the redress of grievances. Likewise, the Connecticut delegates were told only to "consult and advise on proper measures to promote the general good and welfare."

The delegates from the city and county of New York went to the Congress without any official instructions at all. A resolution instructing the New York delegates to vote for non-importation and non-exportation had been approved by the meeting "in the fields" on July 6; but the committee of Fifty-One refused to accept the proceedings of this radical gathering as being representative of the sentiments

56 Rhode Island Records, 7:246.
59 Ibid., 1:554.
of the city. The counter-resolutions put forward by the committee, it will be remembered, made a specific refusal to instruct the delegates, saying that such an attempt at instruction before the meeting of the Congress would be "premature." The second set of radical resolutions, drawn up on July 20, also made no attempt to instruct the delegates, saying merely that the decisions of the Congress would be binding. The delegates probably considered themselves bound only by their letter of July 27 to the mechanics in which they expressed their "personal" and "present" opinion that non-importation would be the most effective plan of action. Beyond this, the New York delegates were presumably free to act as they saw fit.

The Pennsylvania convention of July 15 met with the specific purpose of drafting instructions for the delegates. In preparation for the convention John Dickinson had prepared a long and detailed document which was adopted with slight amendments and presented to the assembly on July 19 with the request that the delegates be so instructed. This set of instructions elucidates Dickinson's position clearly and is worth examining in some detail. It contains many thousands of words of argumentation replete with quotations from and references to the classical writers on political theory, but the heart of the document is the part which outlines the goals toward which the Congress should work.
The Congress should attempt to secure from Britain the following concessions: renunciation of all powers claimed under the statute of 35 Henry VIII, c. 2 (under which persons might be removed from the colonies for trial); renunciation of all claims of right of internal legislation; renunciation of all claims of right of imposing internal or external taxes or duties; renunciation of all powers of regulating trade except for new articles of colonial commerce; repeal of all statutes for quartering troops in the colonies; repeal of all statutes imposing duties to be paid in the colonies; repeal of all statutes giving the Admiralty courts greater power than those in England; and repeal of the Boston Port Act and the other recent acts affecting Massachusetts. In return for these concessions, the colonies would engage to obey the Navigation Acts and other acts of Parliament - except those above - which were declared to be in force. The colonial assemblies would confirm such laws and would settle an annual revenue on the King subject to the control of Parliament. It is apparent that Dickinson wanted to constitutional union such as that envisioned by Galloway; his heart was set on a return to the halcyon days of "salutary neglect" before 1763.

In order to accomplish these ends Dickinson wished the Congress to avoid non-importation and non-exportation if possible despite a "general inclination" among the other
colonies to enter such agreements. Before any non-intercourse measures were contemplated, a firm statement of grievances should be presented to the King. It was carefully explained that this reluctance to enter into non-intercourse was not motivated by self interest but rather by a feeling of tenderness toward the home government and the people in Britain who depended on colonial trade for a livelihood. If the Congress should decide upon immediate non-importation and non-exportation the agreement should be made binding upon all.60

Dickinson's labors in writing this lengthy set of instructions went for naught; the Pennsylvania assembly disregarded them completely just as they disregarded the convention's advice in the selection of delegates. The assembly announced that specific instructions were impossible and told the delegates to "exert your utmost Endeavours 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 restriction on the delegates was that they were "strictly charged to avoid every Thing

60 The Dickinson draft of instructions is printed in Penn. Gazette (Postscript), July 27, 1774; and Force Am. Arch., 4th series, 1:555-569.
indecent or disrespectful to the Mother State."\(^1\) Apparently the Galloway party, confident of their ability to restrict the Congress to moderate action, desired the widest possible latitude for its actions at Philadelphia.

The New Jersey convention of July 21 gave only general instructions to its delegates: "to meet, consult, and advise with the Deputies from other Colonies; and to determine upon all such prudent and lawful measures as may be judged most expedient." The convention, however, also recommended that a general non-importation and non-consumption agreement be entered into at the Congress.\(^2\) The New Jersey delegates could thus be numbered in the radical ranks at Philadelphia.

On August 1 the Delaware convention voted a series of resolutions for the guidance of its delegation. Asserting their unshakeable loyalty to the King, the citizens of Delaware nevertheless denied the Parliamentary right of taxation and protested against the Intolerable Acts as unconstitutional. The convention "recommended" that its delegates join in petitions to the King and Parliament and agree to non-importation and non-exportation until relief was obtained. After these specific suggestions, the convention continued with a blanket grant of authority: "Notwithstanding any thing herein before mentioned, it is not

\(^1\)Penn. Archives, 3th series, 8:7100.

\(^2\)New Jersey Archives, 1st series, 10:471.
our meaning that by these Instructions our said Deputies shall be restrained from agreeing to any measures that shall be approved by the Congress. 63

In accord with the radical temper of the town and county meetings which had taken place, it might be guessed that the Maryland convention of June 22 would favor radical measures. As expected, the convention instructed the Maryland delegates to agree to any measures of non-importation and non-exportation along with the majority of the colonies. The members of the convention must have been as skeptical as the Baltimore committee about the efficacy of a petition to the King, for there was no mention of any desire that the Congress should frame one. 64

Virginia, at its convention August 1 to 6, was the first colony to commit itself to a definite program of non-importation and non-exportation. The Virginia "Association" pledged the colony to import no goods, except medicines, from Great Britain or the West Indies after November 1, 1774, and the importation of slaves was to end at the same time. No tea was to be consumed in the colony, and there was to be a complete boycott of East India Company goods if Boston should be compelled "by violence or dire necessity" to pay for the tea. No exports were to leave the colony after August 10, 1775 if colonial grievances remained unresolved.

unredressed. The county committees were to oversee the association, to report any merchants who raised their prices, and to publish the names of violators of the agreement. Non-signers would be boycotted. The resolutions ended with an affirmation of faith in the results of the Congress and a promise of aid to Boston.65

The instructions to the delegates followed the lines laid down in the "Association." They might agree to non-intercourse as of the dates set forth in their agreement, but they were not to pledge the colony to non-exportation before August 1, 1775. Reasons for the restriction on the date of non-exportation were the desire to pay debts and the necessity for selling the current crop of tobacco into which much labor had already gone. Beyond this, the delegates were instructed that it was the desire of the convention "that you cordially co-operate with our sister colonies... in such other just and proper measures as they or the majority shall deem necessary..."66

The Virginia Association provided the model for North Carolina at its convention on August 27. Its resolutions were almost identical with those of its northern neighbor except for a modification in the effective dates of non-importation and non-exportation. They were to begin on

66 Ibid., 1:686.
January 1 and October 1, 1775 respectively. The delegates were told to vote for non-intercourse to be effective on the specified dates and were empowered to agree to any other general action which might be decided upon at the Congress. In addition, the convention promised that the action of the Congress would be "obligatory in honour upon every inhabitant...who is not alien to his country's good, and an apostate to the liberties of America." 67

Mention has already been made wide grant of power voted to the South Carolina delegates by the Charleston meeting of July 6, 7, and 8. The assembly, in giving official approval to the delegates chosen, also gave them unlimited authority. The delegates, said the assembly, were to have "full power and authority to concert, agree to, and effectually prosecute, such legal measures as, in the opinion of the said Deputies...shall be most likely to obtain a repeal of the said Acts, and a redress of those grievances." 68

These, then, were the instructions which the delegates of the colonies took with them to Philadelphia. Their temper showed that Colden was right when he said: "The Colonies to the Eastward of Us are violent, and those to the southward of Pensilvania seem to be likewise. Pensilvania

appears to be moderate." 69

III. Attitude of the Governors.

Before proceeding to a general summation, it might be worthwhile to see how some of the colonial governors, the representatives of the Crown, felt about all of the activity which was taking place during the summer of 1774. In general, their feelings might be characterized by two words: helpless indignation. They disapproved of the proceedings which they regarded as illegal and indecent, but they were also fully aware of their powerlessness to do anything to stop them.

Lieutenant Governor Golden in New York could and did take some consolation from the seizure of power by the conservatives. At least he could report that "Scott, McDougall, Sears, & Lamb are all in disgrace, and the people are now directed by more moderate Men." 70 Even so, he disapproved of the proceedings regarding the election of delegates but was fully aware of his inability to do anything to stop them: "These transactions are dangerous, my Lord, and illegal; but by what means shall Government prevent them? An attempt by the Power of the Civil Magistrate, would only shew their

69 Golden to Tryon, Sept. 7, 1774, in N. Y. Hist. Soc., Collections, 1877, 361.

70 Ibid., 361.
weakness, and it is not easy to say upon what foundation a military aid should be call'd in." 71 When the conservative slate was safely elected, Colden was convinced that the lack of government interference had been all to the good; any attempt at halting the proceedings would have given the "most violent Men" great advantage and "would have prevented the acquiescence in the Election of Moderate Men, which has now taken place." As for the Congress itself, he was convinced that it could not be prevented, although he felt that if moderate measures were taken, "the meeting, though illegal, it may be hoped will produce some good." 72

General Gage in Massachusetts was perhaps in a more difficult position than any of the other governors. His thankless job it was to attempt to put the Intolerable Acts into operation, and he was baffled at every turn. His brave words to the King were being thrown back into his face by the people of Massachusetts. He dared not make an attempt to arrest any of the ringleaders in Boston, his proclamation against the "Solemn League and Covenant" was entirely without effect, and the House of Representatives deliberately ignored his proclamation of dissolution until it had finished the selection of delegates to the Congress. Gage at first took some consolation from the fact that the merchants had,

71 Colden to Dartmouth, July 6, 1774, Ibid., 348-349.
72 Colden to Dartmouth, Aug. 2, 1774, Ibid., 350.
in general refused to go into non-importation: "They will not agree to non-importation either at New York or Philadelphia, or even in this Province. . . and, after all, Boston may get little more than fair words." 73 He was ignoring facts when he wrote this letter; for it was definite by then that a Congress would be held, while local proceedings all over the Continent had already begun to express concrete sympathy for Boston.

The Governor of New Jersey, William Franklin, felt just as futile as the others when faced with the type of activity which was endemic in America during the summer proceeding the first Continental Congress. "Meetings of this Nature," said Franklin, "there are no Means of preventing where the chief Part of the Inhabitants incline to attend them." He, like Golden, was not entirely pessimistic about the results of a Congress, particularly if the King should see fit to give it his authorization. 74

Great concern was expressed by Governor Martin of North Carolina over the local proceedings in his province. In seeking advice from his council, Martin said that such meetings were "derogatory to the dignity of His Majesty and His Parliament, and tending to excite Clamour, and discontent

73 Cage to Dartmouth, June 26, 1774, in Carter, Cage Correspondence, 1:358.
74 Franklin to Dartmouth, June 28, 1774, in New Jersey Archives, 1st series, 10:465-466.
among the King's Subjects in this Province."75 Acting on
the advice of the council, Martin issued a proclamation
strictly forbidding "all and every" of the citizens of
North Carolina from attending any of these local meetings
and specifically forbidding the approaching provincial con-
vention.76 The proclamation, of course, was ignored; and
Martin himself admitted "the total inability of Government
to enforce even what common decorum required." At the same
time he complained bitterly of the conduct of the members
of his council at the time of the provincial convention.
The same members, he declared, who had called such meetings
illegal "then mixed with the Members of this Cabal and by
their whole deportment void of decency and decorum virtually
contradicted the advice they had given me as counsellors
and rather abetted and encouraged the measures they had to
me condemned."77

South Carolina's Lieutenant-Governor Bull gloomily told
of the assembly's action in confirming the choice of delegates
and added, "Your Lordship will see by this instance with what
perseverance, secrecy and unanimity, they form and conduct
their designs; how obedient the body is to the heads, and

75Martin to Council, Aug. 12, 1774, in North Carolina
Colonial Recs., 9:1023.

76Ibid., 9:1029-1030.

77Martin to Dartmouth, Sept. 1, 1774, in Ibid., 9:1055-
1056.
how faithful in their secrets." He had previously painted for Dartmouth a grim picture of the resolution of the Americans:

The general voice speaks discontent, and sometimes in a tone of despair, as determined to stop all exports to, and imports from, Great Britain, and even to silence the Courts of Law, foreseeing, but regardless of the ruin that must attend themselves in that case; content to change a comfortable for a parsimonious life, to be satisfied with few wants of nature, if by their sufferings they can bring Great Britain to feel.

Confronted by such reports of American firmness, the British attitude, as represented by Dartmouth, relaxed not at all. In his view, all of the proceedings, including the Congress itself, were highly illegal and dangerous. "Parliament has already shewn that it expects obedience and due submission to legal authority, and I can have very little insight into the principles of Government, if any relaxation from the spirit of the measures it has taken can be expected till that submission is satisfactorily obtained." Petitions for the redress of grievances would have much more weight if they came from the individual colonies, rather than


79 Bull to Dartmouth, July 31, 1774, in Ibid., 1:663.

from an illegal continental gathering. The best he could
hope for was that "the Result of their proceedings may be
such as may not cut off all hope of that Union with the
Mother Country which is so essential to the Happiness of
both." 81 But the uncompromising nature of the British
position was set forth most clearly in another letter:

... the Supreme Legislature of the whole
British Empire has laid a duty (no matter
for the present whether it has or has not
the right so to do, it is sufficient that
we conceive it has). ... The question then
is whether these laws are to be submitted
to? If the people of America say no,
they say in effect that they will no
longer be a part of the British Empire. 82

It is difficult to see any grounds for conciliation between
this extreme British position, as represented by Dartmouth,
and the widespread and equally uncompromising American
view, most clearly stated in Jefferson's "Albemarle Resolves,"
that Parliament had no authority whatsoever to legislate for
the colonies. Unless, by some chance, the Congress should
pursue moderate measures, there was little hope that differ-
ences between the colonies and the mother country could be
settled by amicable compromise.

81 Dartmouth to Colden, Sept. 10, 1774, N. Y. Hist. Soc.,
Collections, 1923.

82 Dartmouth to Joseph Reed, July 11, 1774, in Reed,
Joseph Reed, 1:73.
IV. General Conclusions.

The Tea Act of 1773, whatever may have been the real motive for its passage, was regarded by American radicals as a political trick designed to force the colonies to accept the duty on tea. Probably, however, they welcomed the Act as providing the issue of continental scope for which they had been seeking. It seems clear that the active direction of the campaign against the importation of the East India Company's tea was in the hands of radicals, although their propaganda campaign was aimed at securing the widest possible basis of support. The colonial merchants, as a group, seem to have had little to do with the resistance to the Tea Act. Those merchants who were actively involved in the proceedings, men like MacDougall, Molineux, and Gadsden, took part not because they were merchants but because of their intimate association with the radical parties. In view of the adamant refusal of radicals to consider any proposals to allow the tea to be landed and stored, it seems likely that they were determined on decisive measures of resistance which would force the hand of the British government. Considered in this light, the opposition to the Tea Act was a "success" even though there was a considerable reaction against the violence and destruction of property in Boston.

The home government, as expected, enacted vigorous
measures of punishment and reprisal. When the news of the Boston Port Act reached America, the radicals immediately unfolded their plan of action in the Boston town meeting of May 13, 1774. The colonies must consider that Boston was suffering in the common cause of America and engage immediately to stop all trade, both imports and exports, with Great Britain and the West Indies. The merchants and conservatives generally in the commercial centers of New York and Philadelphia were determined not to be bulldozed into any hasty measures of resistance, especially non-intercourse, and entered in unprecedented numbers into the public proceedings in order to seize control from the radicals who had previously exercised it. Both in New York and Philadelphia the conservatives were successful, for the moment at least; and the two port cities firmly declined Boston's plea for immediate non-intercourse, proposing instead that a general Congress be held. The Boston merchants, who had consented to a conditional non-importation agreement, immediately abandoned it. The radicals countered with a strict non-consumption agreement, "The Solemn League and Covenant," which was sent out for signing by the Boston committee of correspondence. The merchants, incensed at this direct attack on their policy, made an effort to take control of the situation away from the radicals. Unlike their brethren in New York and Philadelphia, the Boston
conservatives were unsuccessful in their effort, their motion for the censure and dismissal of the committee of correspon-
dence being disastrously defeated in the Boston town meeting. The Boston radicals, however, faced with the refusal of New York and Philadelphia to enter immediate non-intercourse, accepted with alacrity the proposal that a Congress be held. This acceptance, however, did not mean that the radicals had given up the struggle on commercial coercion; they were merely postponing it until the meeting of Congress.

Local meetings, held throughout the Continent during the summer of 1774, demonstrated that there was widespread popular support for measures of commercial coercion, particularly in the southern colonies. Even more important, the meetings demonstrated that there was enormous popular confidence in the Congress and willingness to abide by its decisions whatever they might be. This popular support was vital to the success of the Congress, for only by the weight of public opinion could its recommendations achieve something like the force of law.

The general confidence reposed in the Congress received further expression in the instructions given to the delegates by the bodies – assemblies and provincial conventions – which selected them. Although varying widely in phraseology and detail, the delegates of all colonies were given almost unlimited authority. Significantly, no colony forbade its delegates to vote for non-importation and non-exportation,
and several definitely instructed their delegates to do so. The conservative delegates, obviously enough, were in for an uphill battle if they expected to restrict the Congress to the method of a petition to the King. The four major colonies, Massachusetts, New York, Pennsylvania, and Virginia, would be divided evenly between the radicals and the conservatives; but most of the smaller colonies, if the tenor of the instructions to the delegates may serve as an indication, would line up with Massachusetts and Virginia in favor of commercial coercion. Given this alignment of strength, it should not be surprising that the Congress did, in fact, adopt non-intercourse on a sweeping scale.

It seems entirely proper to end this study with the meeting of the Congress. With the gathering of this body the "revolutionary movement" in America entered upon a new phase. No longer was resistance to Great Britain to be chiefly in the hands of radicals united throughout the continent only by the tenuous, though effective, ties provided by the committees of correspondence. The Congress became a central body, specifically appointed for the purpose, which proposed a general program of action that, given widespread popular support, achieved the status effective policy in the colonies. The movement of resistance to parliamentary authority became truly continental, rather than local, in scope.
APPENDIX I

EARLY PROPOSALS FOR A CONGRESS

Note: Does not include suggestions made before the time of the Intolerable Acts.

<table>
<thead>
<tr>
<th>DATE</th>
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<tr>
<td>April 2, 1774</td>
<td>Letter from Arthur Lee to Francis L. Lee.</td>
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<td>May 15, 1774</td>
<td>Letter from Sears and MacDougall to Boston committee of Correspondence.</td>
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<td>May 17, 1774</td>
<td>Town meeting, Providence, R. I.</td>
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<td>May 20, 1774</td>
<td>Worcester, Mass., instructions to delegate in House of Representatives.</td>
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<td>May 21, 1774</td>
<td>Temporary Committee of Correspondence in Philadelphia.</td>
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<td>May 23, 1774</td>
<td>New York Committee of Fifty-One to Boston Committee.</td>
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<td>May 27, 1774</td>
<td>&quot;Association&quot; of Virginia Burgesses at Raleigh Tavern, Williamsburg.</td>
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<td>May 30, 1774</td>
<td>Resolutions of Queen Anne County, Maryland.</td>
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<td>May 31, 1774</td>
<td>Resolutions of Baltimore County, Maryland.</td>
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