

# WILEY

---

IMPERIAL IDEAS AT THE FIRST CONTINENTAL CONGRESS

Author(s): CHARLES F. MULLETT

Source: *The Southwestern Social Science Quarterly*, DECEMBER, 1931, Vol. 12, No. 3  
(DECEMBER, 1931), pp. 238-244

Published by: Wiley

Stable URL: <https://www.jstor.org/stable/42864744>

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



Wiley is collaborating with JSTOR to digitize, preserve and extend access to *The Southwestern Social Science Quarterly*

JSTOR

## IMPERIAL IDEAS AT THE FIRST CONTINENTAL CONGRESS

BY CHARLES F. MULLETT

*University of Missouri*

With a rather human predilection for finality historians have generally accepted the view that the American Revolution was inevitable since the members of the first Continental Congress were committed to revolt from the outset. Possibly they have been too prone to agree with John Adams that the Revolution was over before the fighting began because it had already occurred in the minds and hearts of the men who were to lead it to a successful conclusion. It is proposed here to consider that generalization and to suggest that Adams, not uncharacteristically, was overstating the actual circumstances. While the task of assessing the thoughts of those men who were to make two nations grow where one had stood before is not a simple one, nevertheless a re-examination of such evidence as is available may be of some value in determining whether the Revolution was entirely the result of conscious political thinking, or whether certain undefined imponderables played an obscure but powerful role. It is not here suggested that ideas as such had no place but that their place was subordinate to emotions from within and a *pot-pourri* of factors from without.

The membership of the first Continental Congress was conspicuously mixed. Since the method of election varied in different colonies, some groups of representatives argued for more extreme policies than their fellows.<sup>1</sup> Again, the political and economic conditions of given colonies produced a tendency toward or away from conservatism. Class interests, too, had their influence. Consequently it may be remarked that the variations in point of view bulked rather larger than the similarities; the chief, if not the only, connecting link was the feeling that something must be done. What should be done, and how, were the dominating questions. Some members counselled petitions to Parliament, others an economic boycott, and still others open resistance. Notwithstanding the plenitude of suggestions it is well to remember that of the comparatively large number at the Congress only a small

---

<sup>1</sup>In some colonies representatives were chosen by the colonial assembly, in others by a special convention, and in others by a popular meeting.

proportion offered remedies. The majority, estimable men as they were, appear but the followers of the few who had definite ideas as to where they were going. On the other hand, if an analysis is made, however slightly, of the membership of the Congress, it becomes at once evident that several men were there largely because of what they had contributed to the controversy in the preceding decade. Only two men of first-rate importance, namely, Franklin and Jefferson, were missing, and both for good reason.

In considering the imperial ideas of these leaders of colonial opinion, for such they might well claim to be, it appears most convenient to group them with respect to the amount of self-government they demanded as rightfully belonging to the colonists. There were in general four main schools of thought, which may be summarized as those of self-taxation, home rule, federation, and commonwealth of nations. While it is not always easy to distinguish them and while, furthermore, students should guard against too simple and too modern a classification, the members of the Continental Congress fall naturally into one or another of these groups.

The first group, namely that of colonial self-taxation, can be quickly dismissed. Although that remedy of the imperial muddle had been most strenuously sought after for years, it had by 1774 ceased to attract the leaders of opinion. Despite the undoubted fact that most of the resolutions from colonial assemblies and the meetings of county and town freeholders argued for this central demand, few indeed would have been content with it alone. While there were men at Philadelphia who had limited their agitation to the particular right of self-taxation during the whole of the preceding decade, none of them offered that solution at the Congress.<sup>2</sup> It was generally realized that the divorcement of taxation and legislation had no practical validity.

On the other hand, the early home rulers formed an important and interesting group of imperial theorists, and included a number of the most respected members of the Congress.<sup>3</sup> They argued

---

<sup>2</sup>Among these the most illustrious was Richard Henry Lee. In some *Resolves* which he wrote in June, 1774, taxation appeared the sole concern. *The Letters of Richard Henry Lee* (ed. J. C. Ballagh), vol. I, pp. 114-116.

<sup>3</sup>For a survey and an appreciation of earlier phases of this tendency see my "Colonial Claims to Home Rule, 1764-1775," *University of Missouri Studies*, Vol. II, No. 4 (1927). It is of value to note that the "Instructions"

constitutionally for the colonial right of control over internal polity as well as self-taxation, grounding their claims mainly on the charters and the English constitution, though not hesitating to appeal to that final and absolute norm, the law of nature. For more than ten years colonial publicists had been advocating this solution and the imminence of civil war brought no diminution of the plea. The first to outline this scheme was Richard Bland, a prominent Virginia lawyer, who in 1763, when discord was but a faint cloud, had submitted it as an antidote to further trouble.<sup>4</sup> Others at the Congress who had also recommended home rule during the years of fermentation were Stephen Hopkins,<sup>5</sup> John Dickinson,<sup>6</sup> Philip Livingston,<sup>7</sup> and perhaps even Samuel Adams<sup>8</sup>

---

from the Virginia House of Burgesses to its delegates at the Congress contended merely for home rule, as did those of the Pennsylvania Assembly. Niles, *Principles and Acts*, p. 201, and note 6 *infra*.

<sup>4</sup>Although Bland's most distinguished contribution to the constitutional aspect of the dispute between England and the colonies was *An Inquiry into the Rights of the British Colonies* (1766), he had actually developed the same arguments three years before in *The Colonel Dismounted* (reprinted *William and Mary Quarterly*, Vol. XIX, pp. 31-41). The colonial legislature, he here said, has control over the internal government of the colonies; externally they are subject to Parliament. Well may L. G. Tyler claim precedence for the views of Bland over those of "James Otis, Samuel Adams, or any other pamphleteer or writer of his time." *Ibid.*, pp. 25-26. I find no evidence to indicate that Bland had changed his ideas by 1774.

<sup>5</sup>*Rights of the British Colonies Examined* (1764), Hopkins was still of the same mind in 1774. "Diary of Samuel Ward," *Magazine of American History*, Vol. I, p. 441. He also favored Galloway's plan. *Ibid.*, p. 442.

<sup>6</sup>*Essay on the Constitutional Power of Great Britain Over the Colonies in America* (1774). See also the "Resolves of the Committee from the Province of Pennsylvania," and the "Instructions of the Committee to the Representatives in the Pennsylvania Assembly." *Dickinson's Writings* (London, 1774). The burden of all these works was that parliamentary power over internal legislation in the colonies was illegal and unconstitutional. Earlier Dickinson had limited his claims to self-taxation. To all intents he never went beyond home rule, actually opposing independence in 1776. See also *The Works of John Adams* (ed. C. F. Adams), Vol. II, p. 379.

<sup>7</sup>*The Other Side of the Question* (1774). This while not a remarkable constitutional tract was almost unique in being tinged with wit. Livingston wrote, he said, to encourage the printer "who must be sadly out of pocket" by publishing the *Friendly Address* (1774) of the Tory Myles Cooper.

<sup>8</sup>The position of Samuel Adams is not easily described. While the "Instructions to the Representatives from Boston" and the answer of the Assembly to Governor Bernard at the time of the Stamp Act, for which Adams was mainly responsible, claimed for the colonists the right of making laws for their internal government, in the main he limited his pleas to self-taxation. *The Writings of Samuel Adams* (ed. Cushing), Vol. I, pp. 8, 17-18.

and Patrick Henry.<sup>9</sup>

The most effective advocate at Philadelphia, however, was none of these but rather James Duane of New York, who not only developed the solution from both a practical and a constitutional angle but actually anticipated some of the criticisms that could be charged against it. Furthermore, he did not stand alone. Indeed as one examines the debates of the Congress, he is more and more impressed with the conciliatory spirit and with the strong support accorded Duane in his pleas. The plan as presented by Duane before the "Committee to State the Rights of the Colonies" was grounded on the solid "Principles" of the British Constitution. It provided for "a firm Union between the Parent State and Her Colonies," a union under which the right of internal legislation and taxation was reserved to the colonies and that of regulating trade and the affairs of the whole empire to the British Parliament.<sup>10</sup> In considering some of the objections that might well be directed against this plan Duane maintained first of all that Great Britain had always exercised supreme power, and, secondly, that the argument so frequently made that Parliament

---

<sup>9</sup>Henry wrote the famous Virginia Resolves of May 30, 1765, which announces the colonial right of self-government in internal matters. *Journals of the House of Burgesses, 1761-1765*, pp. 360ff. The example of Virginia was followed in 1765 by Rhode Island where Stephen Hopkins was governor, Connecticut and Maryland. The Virginia Resolves were not passed without bitter opposition; Peyton Randolph then Attorney-General of the province and later President of the Continental Congress offered five hundred guineas, "By God," for one vote to defeat these radical resolutions. Randolph evidently was concerned only with taxation. See for example his letter of May, 1768, *North Carolina Colonial Records*, Vol. VII, pp. 746ff.

Other evidences of a wide-spread belief in home rule can be found in the petition of the Pennsylvania Assembly to the Commons in 1768 (*Votes and Proceedings of the House of Representatives of Pennsylvania*, Vol. VI, p. 105); in the letters of Governor William Pitkin of Connecticut (*Letters of William S. Johnson to the Governors of Connecticut*, pp. 280, 286; in the petition of the Virginia Burgesses to the King in 1768 (*Journals, 1766-1769*, p. 165); and in the innumerable resolutions of Freeholders during 1774 (Force, *American Archives*, 4 ser., Vol. I, *passim.*). It may also be recalled that certain of the Tories, notably Samuel Seabury, accepted this solution. *A View of the Controversy* (1774).

<sup>10</sup>Edmund C. Burnett, ed., *Letters of Members of the Continental Congress*, Vol. I, pp. 23ff., 38ff., 53.

might abuse its power could apply with equal justice to all governments.<sup>11</sup>

Among the supporters of this settlement in addition to those already mentioned were John Rutledge of South Carolina, who argued, basing his views on the common law and the charters, that the colonists were entitled "to a free and exclusive Power of Legislation in all Cases of Taxation and Internal Policy,"<sup>12</sup> Samuel Chase of Maryland,<sup>13</sup> Isaac Low of New York,<sup>14</sup> and John Sullivan of New Hampshire. The latter, who was credited by Joseph Galloway with having "thought solidly on the subject," actually composed a home rule resolution for the Congress which was afterward superseded by the more radical offering of John Adams.<sup>15</sup>

Closely allied in sentiment though quite diverse in theory was the plan of Galloway, which in some ways was a rather remarkable anticipation of the federation schemes of the later nineteenth century. The discredit which has attended Galloway because of his Toryism has sometimes caused students to forget that he was the one man who came to the Congress with a *solution* that was at once workable and well thought out. His plan was no mere shriek against one kind of injustice nor was it a medley of scattered suggestions as to what might be done. Rather it ranks as a new constitution for an organic empire. The scheme as outlined by its author both before Congress and in a pamphlet, *A Plan of a Proposed Union between Great Britain and the Colonies*, aroused many conflicting sentiments. The moderates and those

---

<sup>11</sup>*Ibid.*, pp. 72ff., 77-78. He also appreciated the more important question, which most home rulers neglected, as to what were properly internal concerns. He did not, however, offer any solution. As to his attitude toward the historical power of Parliament in America, compare John Adams, *Works*, Vol. IV, pp. 47ff.

<sup>12</sup>Burnett, *op. cit.*, p. 44 and note.

<sup>13</sup>*Ibid.*, p. 63. "I am one of those who hold . . . that Parliament has a right . . . in some cases to regulate the trade, and in all cases where the good of the whole empire requires it." Duane did not qualify Parliament's power to regulate trade.

<sup>14</sup>Burnett, *op. cit.*, p. 64. Low was later thought a Tory.

<sup>15</sup>W. C. Ford, *Journals of the Continental Congress*, Vol. I, p. 67. Sullivan's resolution declared that "the power of making laws for ordering or regulating the internal polity of these Colonies" was vested in the provincial legislatures; and "that all statutes for ordering or regulating the internal polity of the said Colonies, or any of them in any manner or in any case whatsoever are illegal and void."

who were honestly seeking a *modus operandi* supported it; the radicals, to whom Galloway was the "arch-Tory," opposed it, in some cases very bitterly.<sup>16</sup>

The plan, it may be said, grew out of Galloway's realization that home rule stopped short of being a complete cure for imperial ills. Appreciating that control of internal legislation meant control over all legislation, he endeavored to find a way out of the labyrinth of imperial politics by the path of federation. Briefly, he resolved that while each colony might regulate its own local affairs, there should be "a British and American legislature for regulating the administration of the general affairs" of America.<sup>17</sup> He further argued on the basis of the constitution that the colonies should only be bound by those English laws which had been made before the founding of America, yet at the same time he was willing that Parliament should administer the government of the whole empire, including trade.<sup>18</sup>

The answer of the more radical group in Congress to this plan was the practical recommendation of a commonwealth of nations, but it is not at all likely that any of the advocates of such an organization had worked out any elaborate constitution comparable either to that of Galloway or to that of Duane. Summarized, this solution, of which John Adams and James Wilson were the most illustrious prophets, interpreted the relation of England and America to be that of England and Scotland before the Act of Union, that is, simply, by having a common king.<sup>19</sup> The Parlia-

---

<sup>16</sup>Among those who supported it were Hopkins, Jay, Edward Rutledge, who hailed it "almost a perfect plan," and Duane. The chief opponents were Henry, J. Adams, Lynch and Ward. R. H. Lee thought he would have to consult his constituents.

<sup>17</sup>*A Plan of a Proposed Union* (New York, 1775), pp. 65-66; Burnett, *op. cit.*, pp. 54ff. For commentary on Galloway: E. H. Baldwin, "Joseph Galloway, the Loyalist Politician," *Pennsylvania Magazine of History and Biography*, Vol. XXVI.

<sup>18</sup>Burnett, *op. cit.*, pp. 22, 54. Another delegate, William Samuel Johnson of Connecticut, looked to a colonial union under a viceroy, and representatives from each colony over whose actions the king should have a veto. See his *Letters to the Governors of Connecticut*, pp. 258-259, and R. G. Adams, *Political Ideas of the American Revolution*, pp. 46-47.

<sup>19</sup>Although Wilson took no prominent part at the Congress, he had in *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament* formulated the idea of an empire linked only by the king. This tract, though not published until 1774, had been written in 1770.



ment of Britain would control the affairs of Great Britain, the colonial assemblies would control their local concerns, and the king would be king in America as he was king in Great Britain. The problems of the whole empire, John Adams conceded, might be regulated by the British Parliament, not, however, of right but merely of expediency.<sup>20</sup> And that was the final decision of the Congress, supported by a large number of men, some of whom had been conspicuous for their radicalism from an early day.<sup>21</sup> Despite the fact that the moderates argued their suggestions ably and constitutionally, they failed. Moderation, like Edith Cavell's patriotism, was not enough. Yet it should be remembered that clearly independent views were not expressed; in the first Continental Congress conciliation was the *summum bonum*.<sup>22</sup> At the meeting of the second Congress, however, the purpose had changed: the primary concern of everyone seems to have been the defense of the colonies, not the perpetuation of the empire, as had been the case earlier.<sup>23</sup>

<sup>20</sup>*Journals of the Cont. Cong.*, Vol. I, pp. 68–69. This position, elaborated by Adams in his *Novanglus Letters* (1774–1775), had already been anticipated in the "Instructions to the Representatives of Boston" in June, 1768. Hutchinson, *History of the Province of Massachusetts Bay*, Vol. III, p. 490. Governor Bernard had seen evidence of this spirit in both 1765 and 1768. *Barrington-Bernard Correspondence*, pp. 96, 269ff. The *Suffolk Resolves* from Massachusetts which were vigorously at the Congress expressed the same extreme view. *Journals*, Vol. I, pp. 31ff.; Burnett, *op. cit.*, p. 37. See also C. H. McIlwain, *The American Revolution*, pp. 115ff.

<sup>21</sup>Chiefly Lynch and Gadsden of South Carolina, Ward of Rhode Island, and Patrick Henry. Burnett, *op. cit.*, pp. 71–72. Another defender of the same view was Roger Sherman of Connecticut who had refused to recognize parliamentary claims to supremacy over the colonies, having felt that men like Otis had surrendered the rights of the colonies. Burnett, *op. cit.*, p. 21; L. H. Boutell, *Life of Roger Sherman*, pp. 61–62.

<sup>22</sup>Gadsden, who at the Stamp Act Congress of 1765 had argued that the colonists must base their claims on their natural rights as men, appeared at times ready for a declaration of independence, as did Patrick Henry. Burnett, *op. cit.*, pp. 18, 30, 71. William Hooper of North Carolina likewise looked to independence. In a letter to James Iredell on April 26, 1774, he wrote: "With you I anticipate the important share which the Colonies must soon have in regulating the political balance. They are striding fast to independence, and ere long will build an empire upon the ruins of Great Britain." *North Carolina Colonial Records*, Vol. IX, pp. 983ff. See also pp. 1016–1017.

<sup>23</sup>See Duane's "Notes on the State of the Colonies," May, 1775. Burnett, *op. cit.*, pp. 98ff., and *Journals of the Cont. Cong.*, Vol. II, pp. 128ff., "Declaration on Taking Arms."