

The First Provincial Congress

As you read...

AN "INTOLERABLE" SITUATION

In December 1773, residents of Boston destroyed property of the East India Tea Company in protest of British taxation and trade policy. Parliament quickly passed a set of laws to punish the city of Boston and the colony of Massachusetts, closing the port and limiting colonial rights to self-government. Colonists up and down the seaboard referred to these as the "Intolerable Acts" — the final proof that Great Britain intended to destroy their liberty.

In July 1774, residents of the Cape Fear region, led by William Hooper, met at Wilmington (see <http://docsouth.unc.edu/csr/index.html/document/csr09-0285>) and called for a provincial congress and an American congress of all the colonies to respond to the worsening situation with Great Britain. Thirty counties and four towns held elections, and the seventy-one delegates met in New Bern on August 25. Although the royal governor, Josiah Martin, was also in New Bern, he made no attempt to break up the assembly.

The congress lasted three days and passed the resolutions reprinted here. They voiced their support for the people of Massachusetts, agreed to a boycott of trade with Britain, and chose three delegates to a Continental Congress.

They also laid out their arguments for colonial self-government. They insisted upon their loyalty to the British crown and that they claimed only the "rights of Englishmen" that had been handed down through centuries. But they also took the first steps towards setting up a government independent of Great Britain.

LOCAL RESPONSES

In the summer of 1774, residents of several counties, including Granville (see <http://docsouth.unc.edu/csr/index.html/document/csr09-0299>) and Chowan (see <http://docsouth.unc.edu/csr/index.html/document/csr09-0300>), responded with their own resolutions supporting the Wilmington resolves and their fellow colonists in Boston.

Delegates to the First Provincial Congress

Anson County

Samuel Spencer, William Thomas.

Beaufort

Roger Ormond, Thomas Respass.

Bladen

William Salter, Walter Gibson.

Bute

William Person, Green Hill.

Brunswick

Robert Howe.

Bertie

John Campbell.

Craven

Lemuel Hatch, Joseph Leech, Richard Cogdell.

Carteret

William Thomson, Solomon Perkins.

Currituck

Nathan Joyner, Samuel Jarvis.

Chowan

Samuel Johnston, Thomas Oldham, Thomas Benbury, Thomas Jones, Thomas Hunter.

Cumberland

Ferquard Campbell, Thomas Rutherford.

Chatham

Richard Caswell, William McKinnie.

Dobbs

George Miller, Simon Bright, Thomas Gray, Thomas Hix.

Duplin

James Kenan, William Dickson.

Edgecombe

(none)

Granville

Thomas Person, Memucan Hunt.

Guilford

(none)

Hyde

Rothias Latham, Samuel Smith.

Hertford

(none)

Halifax

Nicholas Long, Willie Jones.

Johnston

Needham Bryan, Benjamin Williams.

Mecklenburg

Benjamin Patten.

Martin

Edmund Smythwick.

New Hanover

John Ashe, William Hooper.

Northampton

Allen Jones.

Orange

Thomas Hart.

Onslow

William Cray, John Harvey, Benjamin Harvey.

Perquimons

Andrew Knox, Thomas Harvey, John Whedbee, jr., Joseph Jones.

Pasquotank

Edward Everigin, Joseph Reading.

Pitt

John Simpson, Edward Salter, William Kenon.

Rowan

Moses Winslow, Samuel Young.

Surry

(none)

Tryon

David Jenkins, Robert Alexander.

Tyrrel

Joseph Spruill, Jeremiah Fraiser.

Wake

(none)

Newbern

Abner Nash, Isaac Edwards.

Edenton

Joseph Hewes.



Figure 1. In 1774, William Hooper led the charge for a provincial congress, or assembly, to coordinate the colony's response to the "Intolerable Acts" of Parliament. He represented North Carolina at the Continental Congress in Philadelphia that fall, and two years later would sign the Declaration of Independence.

We his Majesty's most dutiful and Loyal Subjects, the deputies from the several Counties and Towns, of the Province of North Carolina¹, impressed with the most sacred respect for the British Constitution, and resolved to maintain the succession of the House of Hanover, as by law Established, and avowing our inviolable and unshaken Fidelity to our sovereign, and entertaining a sincere regard for our fellow subjects in Great Britain viewing with the utmost abhorrence every attempt which may tend to disturb the peace and good order of this Colony, or to shake the fidelity of his Majesty's subjects resident here, but at the same time conceiving it a duty which we owe to ourselves and to posterity, in the present alarming state of British America, when our most essential rights are invaded by powers unwarrantably assumed by the Parliament of Great Britain to declare our sentiments in the most public manner, lest silence should be construed as acquiescence, and that we patiently submit to the Burdens which they have thought fit to impose upon us.

Resolved, That His Majesty George the third is lawful and rightful King of Great Britain, and the dominions thereunto belonging, and of this province as part thereof, and that we do bear faithful and true allegiance unto him as our lawful sovereign, that we will to the utmost of our power, maintain and defend the succession of the House of Hanover² as by law established against the open or private attempts of any person or persons whatsoever.

Resolved, That we claim no more than the rights of Englishmen, without diminution or abridgement, that it is our indispensable duty and will be our constant endeavour, to maintain those rights to the utmost of our power consistently with the loyalty which we owe our sovereign, and sacred regard for the British Constitution³.

Resolved, That it is the very essence of the British Constitution that no subject should be taxed but by his own consent, freely given by himself in person or by his legal representatives, and that any other than such a taxation is highly derogatory to the rights of a subject and a gross violation of the grand charter of our liberties⁴.

Resolved, That as the British subjects resident in North America, have nor can have any representation in the Parliament of Great Britain, Therefore any act of Parliament imposing a tax is illegal and unconstitutional, That our Provincial Assemblies, the King by his governors constituting one branch thereof⁵, solely and exclusively possess that right.

Resolved, That the duties imposed by several acts of the British Parliament, upon Tea and other articles consumed in America for the purpose of raising a revenue, are highly illegal and oppressive, and that the late Exportation of tea by the East India Company to different parts of America⁶ was intended to give effect to one of the said Acts and thereby establish a precedent highly dishonorable to America and to obtain an implied assent to the powers which Great Britain had unwarrantably assumed of levying a tax upon us without our consent.

Resolved, That the inhabitants of the Massachusetts province have distinguished themselves in a manly support of the rights of America in general and that the cause in which they suffer is the Cause of every honest American⁷ who deserves the Blessings which the Constitution holds forth to them....

The act of Parliament commonly called the Boston Port Act⁸, as it tends to shut up the Port of Boston and thereby effectually destroy its Trade and deprive the Merchants and Manufacturers of a subsistence which they have hitherto procured by an honest industry, as it takes away the Wharves, Quays and other property of many individuals, by rendering it useless to them, and as the duration of this Act depends upon Circumstances founded

merely in opinion, and in their nature indeterminate, and thereby may make the miseries it carries with it even perpetual,

Resolved therefore that it is the most cruel infringement of the rights and privileges of the people of Boston, both as men, and members of the British Government.

Resolved, That the late Act of Parliament for regulating the Police of that province is an infringement of the Charter right granted them by their Majesties, King William and Queen Mary, and tends to lessen that sacred confidence which ought to be placed in the Acts of Kings.

Resolved, That trial by Juries of the vicinity is the only lawful inquest that can pass upon the life of a British subject⁹ and that it is a right handed down to us from the earliest stages confirmed and sanctified by Magna Charta itself that no freeman shall be taken and imprisoned or dispossessed of his free tenement and Liberties or outlawed or banished or otherwise hurt or injured unless by the legal judgment of his peers or by the law of the Land, and therefore all who suffer otherwise are not victims to public justice but fall a sacrifice to the powers of Tyranny and highhanded oppression.

Resolved, That the Bill for altering the administration of justice in certain criminal cases, within the province of Massachusetts Bay as it empowers the Governors thereof to send to Great Britain for trial all persons who in aid of his Majestys officers shall commit any capital offence is fraught with the highest injustice and partiality and will tend to produce frequent bloodshed of its inhabitants, as this act furnishes an opportunity to commit the most atrocious Crimes with the Greatest probability of impunity.

Resolved, That we will not directly or indirectly after the first day of January 1775 import from Great Britain any East India Goods¹⁰, or any merchandize whatever, medicines excepted, nor will we after that day import from the West Indies or elsewhere any East India or British Goods or Manufactures, nor will we purchase any such articles so imported of any person or persons whatsoever, except such as are now in the Country or may arrive on or before the first day of January 1775.

Resolved, That unless American Grievances are redressed before the first day of October 1775, We will not after that day directly or indirectly export Tobacco, Pitch, Tar, Turpentine, or any other article whatsoever, to Great Britain¹¹, nor will we sell any such articles as we think can be exported to Great Britain, with a prospect of Gain to any Person or Persons whatever with a design of putting it in his or their power to export the same to Great Britain either on our own, his, or their account.

Resolved, That we will not import any slave or slaves¹², nor purchase any slave or slaves imported or brought into this province by others from any part of the world after the first day of November next.

Resolved, That we will not use nor suffer East India Tea to be used in our Families after the tenth day of September next, and that we will consider all persons in this province not complying with this resolve to be enemies to their Country.¹³

Resolved, That the Venders of Merchandize within this province ought not to take advantage of the Resolves¹⁴ relating to non importation in this province or elsewhere but ought to sell their Goods or Merchandize which they have or may hereafter import, at the same rates they have been accustomed to sell them within three months last past.

Resolved, That the people of this province will break off all trade, Commerce, and dealings, and will not maintain any, the least trade, dealing or Commercial intercourse, with any Colony on this Continent, or with any city or town, or with any individual in such

Colony, City or town, which shall refuse, decline, or neglect to adopt and carry into execution such General plan, as shall be agreed to in the Continental Congress.¹⁵

Resolved, That we approve of the proposal of a General Congress to be held in the City of Philadelphia¹⁶, on the 20th of September next, then and there to deliberate upon the present state of British America and to take such measures as they may deem prudent to effect the purpose of describing with certainty the Rights of Americans, repairing the breaches made in those rights and for guarding them for the future from any such violations done under the sanction of public authority.

Resolved, That William Hooper, Joseph Hewes and Richard Caswell Esquires, and every of them be Deputies to attend such Congress, and they are hereby invested with such powers as may make any Act done by them or consent given in behalf of this province Obligatory in honor upon every inhabitant thereof who is not an alien to his Country's good and an apostate to the liberties of America¹⁷....

Resolved, That every future provincial meeting¹⁸ when any division shall happen the method to be observed shall be to vote by the Counties and Towns (having a right to send members to Assembly) that shall be represented at every such meeting; and it is recommended to the deputies of the several Counties, That a Committee of five persons be chosen in each County by such persons as accede to this association to take effectual care that these Resolves be properly observed and to correspond occasionally with the Provincial Committee of Correspondence of this province.

Resolved, That each and every County in this Province raise as speedily as possible the sum of twenty pounds Proclamation money and pay the same into the hands of Richard Caswell Esquire to be by him equally divided among the Deputies appointed to attend the General Congress at Philadelphia as a recompense for their trouble and expense in attending the said Congress.

Resolved, That the moderator of this meeting and in case of his death Samuel Johnston Esquire be empowered on any future occasion that may in his opinion require it to convene the several deputies of this province which now are or hereafter shall be chosen, at such time and place as he shall think proper, or in case of the death or absence of any deputy it is recommended that another be chosen in his stead.

Resolved, That the following instructions for the deputies appointed to meet in General Congress¹⁹ on the part of this Colony to wit: That they express their most sincere attachment to our most gracious sovereign King George the third, and our determined resolution to support his Lawful authority in this Province, at the same time we cannot depart from a steady adherence to the first law of Nature, a firm and resolute defence of our persons and properties against all unconstitutional encroachments whatever....

That they concur with the Deputies or Delegates from the other Colonies, in such regulation, address or remonstrance, as may be deemed most probable to restore a lasting harmony, and good understanding with Great Britain, a circumstance we most sincerely and ardently desire and that they agree with a majority of them in all necessary measures, for promoting a redress of such grievances as may come under their consideration.

Resolved, That the thanks of this meeting be given to the Hon. John Harvey Esquire Moderator for his faithful exercise of that office and the services he has thereby rendered to this Province and the Friends of America in General.

JOHN HARVY, Moderator.

Richard Cogdell
Wm Thomson
Solomon Perkins
Nathan Joyner
Sam. Jarvis
Sam. Johnston
Thos. Benbury
Thos. Jones
Thos. Oldham
Thos. Hunter
Ferqd Campbell
M. Hunt
Nick Long
Benj. Williams
William Hooper
Wm Cray
Thos. Harvey
Edward Everigin
Edward Salter
Sam. Young
Joseph Spruil
Joseph Hewes
John Geddy
Sam Spencer
Wm Thomas
Roger Ormond
Thos. Respass, Jr
Wm Salter
Walter Gibson
Wm Person
Green Hill
R. Howe
John Campbell
James Coor
Sam. Smith
Willie Jones
Benj. Patten
Allen Jones
Benj. Harvey
J. Whedbee
Joseph Reading
Wm Kennon
David Jenkins
Abner Nash
Francis Clayton
Edward Smythwick

Lemuel Hatch
Thomas Rutherford
R. Caswell
Wm McKinnie
Geo. Miller
Simon Bright
Thos Gray
Thos Hicks
James Kenan
William Dickson
Thos. Person
Rothias Latham
Needham Bryan
John Ashe
Thomas Hart
Andrew Knox
Joseph Jones
John Simpson
Moses Winslow
Robert Alexander
I. Edwards
William Brown
Jeremiah Frasier

On the web

More from LEARN NC

Visit us on the web at www.learnnc.org to learn more about topics related to this article, including American Revolution, Continental Congress, Intolerable Acts, North Carolina, Provincial Congress, civil disobedience, government, history, politics, and trade.

Notes

1. The resolutions open with a statement of loyalty to the king, an explanation of who the delegates are and whom they represent, and a statement of principles. All of the details will be explained later in the document.
2. The House of Hanover was the “house,” or family, of the current king of England, George III. When Queen Anne died in 1714 without children, British law stated that her closest Protestant relative would become monarch. That was George, Prince-elector of Hanover, in Germany, who became King George I of Great Britain.

Essentially, in this passage, the authors are pledging their loyalty to the king, to the idea of the monarchy, and to Protestant rule.

3. The British constitution is a collection of the fundamental laws of Britain. It includes the rights and liberties guaranteed by documents such as the Magna Charta (1215) and the Bill of Rights (1689), as well as the many laws establishing the roles of King and Parliament. Unlike the U.S.

Constitution, which is a single supreme document, the British constitution can be modified by Parliament at any time.

4. The “grand charter of our liberties” is the Magna Charta. In 1215, feudal barons forced King John of England to sign this document guaranteeing various rights or “liberties.” Among many other things, the Magna Charta guaranteed:
 - *due process of law* — that is, no free man could be imprisoned or have his property taken except according to the law and after a trial by jury, and
 - that taxes could be raised only with the consent of the kingdom.

These rights applied only to a minority of people in 1215, and they were changed and expanded in later centuries. But Englishmen (and English Americans) in the eighteenth century still revered the document. American Revolutionaries referred to it as the original guarantee that they could not be taxed by a Parliament in which they were not represented.

5. According to British constitutional law, the King acts as one part or “branch” of the legislature, along with the House of Lords and House of Commons. The assent of the King or Queen is required for a bill to become law. American revolutionaries argued that in a colony such as North Carolina, the King (acting through his royal governor) still acted as a branch of the legislature, but with the two houses of the colonial assembly — the governor’s council and the colonial house of commons — rather than the two houses of Parliament.

The same idea was incorporated into the U.S. Constitution, under which the consent of both houses of Congress and of the President is required for a bill to become law (unless Congress overrides the President’s veto).

6. Parliament had granted the East India Tea Company a monopoly on tax-free trade in tea — that is, other companies importing tea to the colonies had to pay the tea tax, but the East India Company did not. Colonial merchants, especially in New England, were furious at this treatment. Many Americans saw the monopoly law as a way to get them to accept the tax on tea, which they considered illegal, without further protest.
7. Here, North Carolina’s colonial leaders state that New England’s problems will soon be their problems. Today, we’re used to thinking of the United States as a single country, but until the 1770s, the British colonies in North America saw themselves as separate entities. This was essentially the first time that there had been real cooperation between the colonial leadership of New England and the South.
8. Parliament passed the Boston Port Act in response to the Boston Tea Party. It closed the port of Boston to all ships until the city paid for the tea that had been destroyed.

The Boston Port Act was one of several “Intolerable Acts” passed by Parliament in the spring of 1774. Other acts limited colonial control of the Massachusetts government and allowed trials of royal officials outside the colony. The colonists saw these acts as undermining their fundamental right to govern themselves.

9. This paragraph and the next one refer to Parliament’s Administration of Justice Act, which allowed royal officials accused of a crime to be tried outside the colony where they were accused. Colonists feared that this law would allow royal governors to oppress citizens and escape punishment. George Washington called this the “murder law” because it would let royal officials get away with murder.

10. In retaliation for the “intolerable acts” of Parliament, North Carolina’s leaders pledge not to import any goods from Great Britain. Since Britain’s tax and trade policies had encouraged British manufacturing and shipping and hurt colonial business, colonists thought it only fair to boycott British merchants. This policy was called *nonimportation*.
11. The colonists also pledged *nonexportation*, refusing to export or sell valuable goods to British merchants. Both nonimportation and nonexportation were held out as threats, to encourage Parliament to repeal the taxes and Intolerable Acts quickly.
12. Even the slave trade was boycotted, since that, too, put money into the hands of British merchants.
13. Refusing to buy from or sell to British merchants was a practical, economic response, but now these leaders refused even to drink East India tea they had already purchased — in fact, people who continued to drink that company’s tea were “enemies to their Country”! Refusing to drink tea became a symbolic act — a way for people to show their patriotism. Why do you think colonial leaders would have wanted that? How would this have helped their cause?
14. Since goods would not be imported from Britain, colonial merchants might sell the goods they had for higher prices. Here, colonial leaders warned them not to raise their prices.
15. Anyone in the colonies not agreeing with the boycott must be on the side of Parliament, and will be boycotted too. In other words, “if you’re not with us, you’re against us.”
16. The first Continental Congress, held in Philadelphia in the fall of 1774. Delegates attended from all the thirteen colonies except Georgia.
17. Until now, the resistance to Britain had been voluntary. People who didn’t care about the Stamp Act, for example, might simply have ignored the protests. Protests to later laws and taxes grew more organized, though, and gradually the leaders of the resistance began to suggest that colonists who didn’t agree with them were not patriotic or didn’t love liberty.

In this passage, the acts of the Continental Congress are said to be *obligatory* on (required of) all citizens of North Carolina who are not “alien” or foreign to their country’s good. There are two ways to look at this. At the least, the leaders of the resistance were trying to present a united front to Britain. Language like this encouraged people who agreed with them to pressure others into agreement.

But this passage could also be seen as setting up an independent government. If people were to be punished in some way for violating acts of Congress, without the consent of royal governors or any other royal officials, then the colonists might be taking a step towards independence. In 1774, no one was suggesting openly that the colonies should be independent, but here we can see the first steps in that direction.

18. This paragraph sets out guidelines for sending delegates to future provincial meetings or congresses. The next paragraph asks for money from the counties to pay the expenses of North Carolina’s deputies to the Continental Congress — in effect, a kind of tax. Again, all of this was happening outside the structure of the official colonial government!
19. Here the provincial congress gives instructions to its three deputies to the Continental Congress in Philadelphia. We’ve removed several paragraphs that repeat arguments already made, but note below that they ask for “a lasting harmony, and good understanding with Great Britain.” We know now that only two years later the colonies would declare their independence, but at the time, almost no one wanted (or foresaw) that outcome.

Image credits

More information about these images and higher-resolution files are linked from the original web version of this document.

Figure 1 (page 4)

Original image available from Wikipedia (http://en.wikipedia.org/wiki/File:William_Hooper.jpg). This image is believed to be in the public domain. Users are advised to make their own copyright assessment.