



JOSEPH GALLOWAY
Member of the Congress of 1774.

Jos. Galloway

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COMPROMISE OR CONFLICT: THE REJECTION OF THE GALLOWAY ALTERNATIVE TO REBELLION

By JOHN FERLING^o

SEVERAL recent studies have substantially accepted the argument that by 1774-1775 the British government had no strategy other "than to coerce the colonists into submission even if such a policy resulted in a war."¹ It is necessary, if one accepts this proposition, to assume that Anglo-American hostilities could have been prevented only by an American capitulation to the demands of the North ministry. America, according to this logic, chose instead to resist a government steeled for battle, and the war came.

An alternative to capitulation or resistance, however, may have existed for the colonies. The colonists might have proffered some compromise proposal. A plan which attempted to prevent hostilities by initiating imperial constitutional reform was suggested at a national meeting of colonial leaders prior to the outbreak of the rebellion, but it was rejected by a single vote. Joseph Galloway, at the time speaker of the Pennsylvania assembly, proposed the plan at the First Continental Congress. As his motives for seeking a compromise have been sufficiently examined elsewhere,² this paper will center on the content of Galloway's alternative to resistance and, also, seek to explain Congress' rejection of the plan.

Like every other leader in the colonies, Joseph Galloway found

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¹ Allen J. McCurry, "The North Government and the Outbreak of the American Revolution," *The Huntington Library Quarterly*, XXXIV (February, 1971), 150. See also, Michael Kammen, *A Rope of Sand: The Colonial Agents, British Politics, and the American Revolution* (Ithaca, 1968), 295-311; Eric Robson, *The American Revolution: In Its Political and Military Aspects, 1763-1783* (New York, 1966), 20-24, 87, 89; Bernard Donaughue, *British Politics and the American Revolution: The Path to War, 1773-1775* (London, 1964), 41-45, 281-82.

² Julian P. Boyd, *Anglo-American Union: Joseph Galloway's Plans to Preserve the British Empire* (Philadelphia, 1941), 5-6, 16-17. See also, John E. Ferling, "Joseph Galloway: A Reassessment of the Motivations of a Pennsylvania Loyalist," *Pennsylvania History*, XXXIX (April, 1972), 163-186; Robert Calhoun, "'I have deduced your Rights': Joseph Galloway's Concept of his Role, 1774-1775," *Pennsylvania History*, XXXV (October, 1968), 356-378.

himself caught in the maelstrom of imperial unrest. Born into an affluent mercantile family in Maryland in 1731, he moved to Delaware and finally, in the late 1740s, to Philadelphia. A lucrative inheritance, as well as a thriving law practice and marriage into the rich and powerful Growden family, established Galloway as one of his colony's most opulent citizens. In 1756 he was elected to the Pennsylvania assembly. The following year, when Benjamin Franklin sailed for London as Pennsylvania's agent, Galloway became the leader of his political party. He lost no time becoming enmeshed in imperial politics. During the French and Indian War he served on assembly committees designed to assist the British war effort, and he beseeched the ministry to replace the colony's proprietary rulers with a royal government.³ The question of royal rule was still pending in 1765 when the Stamp Act, the first of several imperial reform measures undertaken by the British government, broke over Pennsylvania.

Throughout the decade of imperial crisis Galloway hoped for a settlement that would establish some rational scheme of union between Great Britain and the colonies. His conduct, however, was characterized by equivocation. While he abhorred the British legislation of the 1760s and questioned Parliament's right to levy taxes on America, he vehemently excoriated the mobs which protested the acts. He privately confided to Franklin his wish that the Townshend Duties "had not been thought of," but publicly he spoke of the assessment as an abundant favor for the American community. Moreover, Galloway urged the creation of an American legislature that might proffer some rational plan for ending imperial conflicts, and he even devised a plan in 1766 for revising the imperial constitution, yet he did not make the scheme public.⁴

The early imperial crisis damaged Galloway politically. His opposition to popular protests led some opponents to charge him with

³ Ernest Baldwin, "Joseph Galloway, the Loyalist Politician," *Pennsylvania Magazine of History and Biography*, XXVI (1902), 161-191, 289-321; Oliver C. Kuntzleman, *Joseph Galloway, Loyalist* (Philadelphia, 1941), 11-33; Boyd, *Anglo-American Union*, 15-20.

⁴ [Joseph Galloway], *A Candid Examination of the Mutual Claims of Great Britain, and the Colonies: With a Plan of Accommodation, on Constitutional Principles* (New York, 1775), 51; Galloway to Benjamin Franklin, January 13, 1766, Leonard Labaree et al., eds., *The Papers of Benjamin Franklin* (18 vols., New Haven, 1959 —), XIII, 36; Galloway to Franklin, September 20, 1765, *ibid.*, XII, 270; Galloway to William Franklin, November 14, 1765, *ibid.*, XII, 374; Galloway to Benjamin Franklin, October 9, 1767, in the Franklin Papers, II, 98, American Philosophical Society; *Pennsylvania Chronicle*, August 22, 1768; James Hutson, *Pennsylvania Politics 1746-1770: The Movement for Royal Government and Its Consequences* (Princeton, 1972), 219-243.

treason against his fellow colonists, and the behavior of Britain caused many to question the wisdom of Galloway's contention that royal rule would be less tyrannical than proprietary rule. No longer able to secure the votes of urban artisans, he sought re-election after 1770 from rural Bucks County instead of from his traditional district in Philadelphia.⁵ He lived in virtual retirement at Trevoise—his country estate—and, except to attend the annual meeting of the Pennsylvania assembly, rarely came to Philadelphia. Yet, when the Intolerable Acts were passed by Parliament in 1774, Galloway returned to public life. He once again cautioned against violent protest and advocated a colonial congress so that "something might be produced" to effect a "political union between the two countries" The Pennsylvania assembly agreed to the congress and requested that Galloway draft instructions for the colony's seven delegates. He advised the congressmen to adopt a plan which would secure the rights of the colonists and establish "that Union and Harmony which is most essential to the Welfare and Happiness" of Britain and America.⁶

Every delegate to the Continental Congress—which met in Philadelphia late in 1774—agreed that American rights were being violated by British policies. At its second session, in fact, Congress unanimously resolved to publish a statement demonstrating which liberties were being violated or infringed. No unanimity existed, however, as to the best means of opposing objectionable parliamentary acts. The more radical delegates believed that only policies of countercoercion would impress Britain, while the conservatives—of whom Galloway emerged as the dominant spokesman—counseled that Congress should once again petition for redress of grievances and seek revision of the imperial constitution.⁷

It was quickly apparent that a majority of delegates wished Congress to adopt economically coercive measures. In mid-September Congress endorsed the resolutions of Suffolk County, Massachusetts, which condemned British policy and advocated the discontinuance of all trade with Great Britain, Ireland, and the British West Indies. On September 27 Congress agreed to prohibit the im-

⁵ William Hanna, *Benjamin Franklin and Pennsylvania Politics* (Stanford, 1964), 181-83; Hutson, *Pennsylvania Politics*, 225-230.

⁶ Peter Force, comp., *American Archives* (4 vols., Washington, D.C., 1837-1853), 4th Series, I, 486; *Pennsylvania Archives* (Harrisburg, 1931-1935), 8th Series, VIII, 7100.

⁷ W. C. Ford et al., eds., *Journals of the Continental Congress, 1774-1789* (23 vols., Washington, D.C., 1904-1937), I, 26-29; L. H. Butterfield et al., eds., *Papers, Diary and Autobiography of John Adams* (4 vols., Cambridge, 1961), II, 121-123, 133-135.

portation of British goods until the distasteful legislation was repealed.⁸ The following day, as Congress prepared to consider a cessation of American exports to Britain, Galloway proposed the conservative alternative.

Galloway prefaced his scheme with a lengthy speech to Congress. Great Britain and her colonies had taken irreconcilable positions, Galloway told the Congress, and, unless each agreed to compromise, hostilities were unavoidable. The British position—which he thought was “attended with more Mischief than Benefit”—contended that “parliamentary Jurisdiction ought to be exercised over near 3,000,000 of People, none of whom have the least Participation in that Jurisdiction, or any Opportunity of communicating their Desire, Wants, and Necessities to it” The American Advocates denied “the constitutional Authority of the British State to bind the Colonies, because they were not expressly represented in her Councils.” Moreover, the Americans declared “they will not accept of such Representation should it be offered to them” Both “Countries should retreat a little, and take other Ground.” An equitable compromise, he suggested, would allow Great Britain “to exercise a Law-making Authority over the Colonies” but grant America that which was “indispensably necessary”—“a representation” in Parliament.⁹

The Galloway Plan, embodied in twelve succinct paragraphs, was, he acknowledged, not perfect. To avoid perplexity, it contained only “the great out-lines of the [contemplated] union,” and he welcomed other propositions which might “render the system more complete.” The purpose of the plan, he maintained, was to secure imperial recognition for a political union among the colonies as well as to strengthen Anglo-American ties so that “the interest of both countries [might be] advanced.”¹⁰

Galloway proposed that Britain sanction the creation of a third house—an American branch—of Parliament. The new house, which would function only in peacetime, would consist of a unicameral assembly and an executive officer. Members of the assembly were to be chosen by colonial legislatures for three-year terms, while the

⁸ Ford, *Journals*, I, 31-40, 43.

⁹ Galloway to Richard Jackson, August 10, 1774, in Jack P. Greene, ed., *Colonies to Nation, 1763-1789* (New York, 1967), 239-240. See also, Joseph Galloway, *Arguments on Both Sides in the Dispute between Great-Britain and the Colonies*, in William Whitehead et al., eds., *Archives of the State of New Jersey: Documents Relating to the Colonial History of the State of New Jersey* (33 vols., Newark, 1880-1944), 1st Series, X, 478-492.

¹⁰ Galloway, *A Candid Examination*, 51-53.

executive, called the president general, was to be selected by the crown and serve "during the pleasure of the King" The legislature was to "hold and exercise all the legislative rights, powers, and authorities, necessary for regulating . . . the general police and affairs of the colonies . . . as well civil and criminal as commercial." Presidential assent was to be required for all enactments. Galloway thought the American branch would be "distinct . . . of the British legislature." Although the new branch would have had veto power over bills pertaining to America passed by the Lords and Commons, its legislation would have required the assent of Parliament. Moreover, the American house would have been powerless in the domestic affairs of Great Britain. Each "colony shall retain its present constitution," Galloway concluded, as well as its "powers of regulating and governing its own internal police, in all cases whatsoever."¹¹

Constitutional revision, he was certain, would lead to an identity of policy between colonists and parent state and result in "one People of the same Mind." Problems created by geography and even by the growth of American nationalism would be subdued.¹² All men were naturally conservative, he postulated, and tended to esteem the form of government under which they were raised. If both English and Americans lived under the same government and were taught to revere that polity, the "national attachments in England and America would be the same" If the laws were the same in America as in Great Britain, the colonists "will not, because they can have no motive to, depart from the . . . Parent State." Make these constitutional alterations and the American colonies would "adhere to the State, attend her faithfully, in all her wars and distresses, *fight her battles, and expire with her.*"¹³

¹¹ *Ibid.*, 53-54.

¹² Galloway Plans of Union, ca., 1780 and 1785, in Boyd, *Anglo-American Union*, 147, 154-155.

¹³ [Joseph Galloway], *Political Reflections on the Late Colonial Governments: in which Their original Constitutional Defects are pointed out, and shown to have naturally produced the Rebellion, which has unfortunately terminated in the Dis-memberment of the British Empire* (London, 1783), 8-9, 56-57; [Joseph Galloway], *Historical and Political Reflections on the Rise and Progress of the American Rebellion, in which the Causes of the Rebellion are pointed out, and the Policy and Necessity of offering to the Americans a System of Government founded in the Principles of the British Constitution, are clearly demonstrated* (London, 1780), 45-46; [Joseph Galloway], *Plain Truth: or, A Letter to the Author of Dispassionate Thoughts on the American War, in which the Principles and Arguments of that Author are refuted, and the necessity of carrying on that War clearly demonstrated* (London, 1780), 48-49. Although Galloway wrote these pamphlets several years after 1774, the notes taken by John Adams indicate that Galloway made similar statements during the congressional debates. See Butterfield, ed., *Adams Papers*, II, 129-130.

The plan was warmly seconded by John Jay and James Duane, conservative delegates from New York, and by Edward Rutledge of South Carolina. Rutledge thought it "almost a perfect Plan," while Duane believed that the economic pressures applied to Britain, together with Galloway's plan, would afford the "Relief of Boston and Mass." and secure a "lasting Accommodation with G. Britain."¹⁴ Nevertheless, after a full day of debate the radicals mustered sufficient strength—six colonies against five—to send the plan to committee for additional study. On October 22 Congress rejected the scheme and expunged all reference to it from the official journal. Of "all the difficulties in the way of effective and united action," John Adams sighed, the most alarming had been eliminated. The effective action of which Adams wrote was quickly forthcoming as Congress passed countercoercive measures curtailing American consumption of British goods and prohibiting colonial exports to the mother country.¹⁵

Only a few historians have found merit in Galloway's concept of imperial union. Moses Coit Tyler believed the plan of union was sagacious, noble-minded, and a good argument.¹⁶ An early biographer was impressed by Galloway's calm reasoning,¹⁷ while Wallace Brown recently concluded that Galloway was the "ablest Loyalist in the whole of America."¹⁸ Max Savelle thought Galloway "probably the most profound of all American Tory thinkers."¹⁹ Similarly, William Nelson acknowledged his "cold brilliance."²⁰

For the most part, however, historians have been critical. Galloway's failure, according to one scholar, was due to philosophical weaknesses in the plan and to his disabling political liabilities and errors. The plan suffered from an "almost perverse narrowness of view," while his plea for a negotiated settlement should have been made contingent on the withdrawal of all British troops from Boston. Furthermore, the plan failed because of his purely

¹⁴ Galloway, *A Candid Examination*, 51; Butterfield, ed., *Adams Papers*, II, 142-143.

¹⁵ Diary of Samuel Ward, October 23, 1774, in E. C. Burnett, ed., *Letters of Members of the Continental Congress* (8 vols., Washington, D. C., 1921-1936), I, 80; Theodore Thayer, *Pennsylvania Politics and the Growth of Democracy, 1740-1776* (Harrisburg, 1953), 161; Ford, *Journals*, I, 75-80.

¹⁶ Moses Coit Tyler, *The Literary History of the American Revolution, 1763-1783* (New York, 1941), I, 369-370, 380.

¹⁷ Baldwin, "Joseph Galloway," 440.

¹⁸ Wallace Brown, *The King's Friends: The Composition and Motives of the American Loyalist Claimants* (Providence, 1965), 133.

¹⁹ Max Savelle, "Nationalism and other Loyalties in the American Revolution," *American Historical Review*, LXVII (July, 1962), 910.

²⁰ William Nelson, *The American Tory* (New York, 1961), 58.

constitutional definition of the quarrel, even though "Congress . . . was no constitutional convention, but an assembly of desperate urgency. . . ." ²¹ Julian P. Boyd attributed the rejection of the plan to Galloway's inability to understand the true nature of the crisis. The dispute was "uncompromisable," and Galloway was blind to reality for thinking the Empire could be preserved. ²² Galloway failed, it has been suggested, because his concept of the rights of Americans was no longer within the mainstream of colonial thought by 1774. He attempted to "'deduce' colonial rights singlehandedly from arbitrarily chosen premises. . . ." His defeat has even been ascribed to his great erudition which progressively isolated him from public discussion. ²³ His plan of union was "too sophisticated for popular consumption." ²⁴ Galloway's personality was an additional hindrance. He has been characterized as a man of such haughtiness and arrogance that he "succeeded only in making the way easy for his enemies." ²⁵ A recent study concluded that Galloway was "arrogant, overbearing and hot tempered," and that while these "traits were serviceable" in provincial politics, they were a liability in a national congress. ²⁶ Galloway committed so many tactical errors at the Continental Congress, in the estimation of Professor Boyd, that "it is perhaps not too much to say that he was the chief instrument in bringing about his own defeat." He failed, for instance, to adequately consort with delegates of contrasting viewpoints. He misjudged the attitudes of most congressmen, and he "simply underestimated the momentum of the revolutionary movement." ²⁷

Much of the scholarly criticism of Galloway has merit. It is apparent that Galloway and his allies made numerous tactical errors. Several years after the Congress, in fact, Galloway admitted he had been far too candid whereas his opponents "left no art . . . unessayed to conceal their intentions." He even tacitly recognized that the radicals were better organized and superior politicians. By circulating untrue rumors, for instance, his opponents succeeded in winning the allegiance of the Philadelphia populace. The "mob . . .

²¹ *Ibid.*, 61-62.

²² Boyd, *Anglo-American Union*, 5-6.

²³ Calhoun, "'I have deduced your Rights,'" 375, 378.

²⁴ Wallace Brown, *The Good Americans: The Loyalists in the American Revolution* (New York, 1969), 94.

²⁵ Calhoun, "'I have deduced your Rights,'" 357; Boyd, *Anglo-American Union*, 27; Nelson, *The American Tory*, 63.

²⁶ Benjamin Newcomb, *Franklin and Galloway: A Political Partnership* (New Haven, 1972), 9-10, 297.

²⁷ Boyd, *Anglo-American Union*, 32; Nelson, *The American Tory*, 48.

loosened the firmness of some of the loyalists," he ruefully acknowledged.²⁸

Much of the criticism, however, has been unwarranted. That Galloway's failure should be attributed to objectionable personality traits, for instance, is extremely conjectural. His enemies thought him a man of design and cunning, but English acquaintances found him to be a man of integrity and "sound Judgmt. & Probity, and above the affectation of Tinsel and Ornament."²⁹ Perhaps he was haughty, but that trait neither prevented his rise to the pinnacle of Pennsylvania politics nor inhibited the designs of similarly afflicted radicals at the Continental Congress.

In addition, there is little evidence that the delegates manifested the same objections to the Galloway plan as have so many historians. No delegate objected to Galloway's single-handed assessment of colonial rights, because most Congressmen shared the Pennsylvanian's point of view. On October 14 Congress unanimously stated the official American position in ten resolutions. Galloway had no difficulty supporting every resolve. For instance, Congress resolved that the colonists had "never ceded . . . the rights, liberties, and immunities of free and natural-born subjects within the realm of England." Galloway had publicly acknowledged those sentiments fifteen years earlier. He had, for instance, denied that "freemen in *England* [could] become slaves by a six-weeks voyage to America." And on September 28 he told Congress that immigrants to America had "neither forfeited, surrendered, nor lost" their fundamental rights as Englishmen.³⁰

Moreover, in its Declaration of Rights Congress contended that the colonists were "entitled to the benefit of such of the English statutes as existed at the time of their colonization," chief among which "is a right in the people to participate in their legislative council. . . ." Galloway not only agreed that the right of representation was the "first principle of English liberty and safety," but he urged the repeal of Parliament's imperial legislation enacted

²⁸ Galloway, *Historical and Political Reflections*, 67, 69.

²⁹ Butterfield, ed., *Adams Papers*, II, 121; John Vardill to William Eden, April 11, 1778, in Benjamin Stevens, ed., *Facsimilies of Manuscripts in European Archives Relating to America, 1773-1783* (25 vols., London, 1889-1898), IV, No. 438; Edward Tatum, ed., *The American Journal of Ambrose Serle* (Los Angeles, 1940), 165, 171, 173.

³⁰ [Joseph Galloway], *A Letter to the People of Pennsylvania, occasioned by the Assembly's passing that Important Act for Constituting the Judges* (Philadelphia, 1760), 35-36; Galloway, *A Candid Examination*, 41. The congressional resolutions are printed in Ford, *Journals*, I, 67-73.

after the commencement of colonization.³¹ Two weeks before Congress resolved that Parliament should regulate colonial trade in order to secure "the commercial advantage of the whole empire," Galloway asserted that "Every Gentleman here thinks, that Parliament ought to have the Power over Trade, because Britain protects it and us."³²

Galloway could not have objected to the congressional resolution that British laws should be applied equally throughout the empire. For years he had contended that all imperial subjects should "enjoy the same fundamental rights and privileges. Every distinction . . . must be offensive and odious. . . ."³³ As a delegate to a protest congress, it was unlikely that Galloway would have quarreled with the resolve defending the right of colonists to petition for redress. Nor could he have objected to the resolution which maintained that the rights of colonists were violated when taxes were levied without their consent. Because the colonists did not "partake of the supreme power of the state" in any fashion, Galloway argued, the British government was as absolute and despotic over America as "any Monarch whatever, who singly holds the legislative authority." America, he added, was at the "disposal of an absolute power, without the least security. . . ."³⁴ Galloway's position, therefore, was hardly a singlehanded assessment of colonial rights. His plan, as John Jay remarked, did not "give up any one Liberty . . . or interfere with any one Right."³⁵ There was no disagreement between Galloway and those delegates who ratified the declaration, except over the proper means for securing American rights. And even so, Galloway voted for a trade embargo the day before he formally presented his plan.

Some have suggested that Galloway failed because the imperial impasse was "uncompromisable." Events between 1765 and 1774, it has been suggested, prepared many Congressmen emotionally and intellectually for withdrawal from the empire. By the time Congress met, the growth of republican sentiments—and Galloway assuredly was not a republican—had convinced some delegates that an im-

³¹ Galloway, *A Candid Examination*, 36-37; Butterfield, ed., *Adams Papers*, II, 130.

³² Butterfield, ed., *Adams Papers*, II, 143.

³³ [Joseph Galloway], *A Reply to an Address, to the Author of a Pamphlet entitled, A Candid Examination of the Mutual Claims of Great-Britain and her Colonies, etc.* (New York, 1775), 7.

³⁴ Galloway, *A Candid Examination*, 40.

³⁵ Butterfield, ed., *Adams Papers*, II, 143.

perial revolution was necessary for a "firmer establishment of basic rights . . . not only [not] America, but [for] Britain, too."³⁶

It is true that Great Britain had become so despicable in the eyes of some radical Congressmen that the very idea of compromise—even if the ministry agreed to an American-proffered plan—was viewed with abhorrence. Some openly hoped for a "Collision of British Flint and American Steel," and Patrick Henry admitted that he preferred war to any compromise which failed to "liberate our Constituents from a . . . Nation . . . [where] Bribery is a Part of her System of Government." Galloway even maintained that "Parliament and Ministry is wicked and corrupt. . . ."³⁷ Nevertheless, the majority in Congress clearly hoped that the quarrel might be peaceably resolved and that America's colonial status might be preserved. John Adams thought the "Commencement of Hostilities is exceedingly dreaded here" by delegates who "shudder at the prospect of blood." "Their opinions," he added, "are fixed against hostilities and rupture, except they should become absolutely necessary; and this necessity they do not yet see. They dread the thought of an action; because . . . it would render all hopes of a reconciliation with Great Britain desperate. . . ."³⁸ Samuel Chase of Maryland expressed the majority sentiment when he stated that "Force . . . is out of the Question," and Christopher Gadsden concurred. "I am for being ready," the South Carolinian asserted, "but I am not for the sword."³⁹

Why, then, did the Galloway Compromise fail? Many delegates opposed any colonial action which might be interpreted in London as a demonstration of American weakness or vacillation. A popular toast at the Congress recommended "Wisdom to Britain, and Firmness to the Colonies." Samuel Adams noted that the delegates "strongly recommend perseverance in a firm and temperate conduct."⁴⁰ The colonists were compelled to take "such grounds that Great Britain must relax, or inevitably involve herself in a civil

³⁶ Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York, 1972), 228, 246; Gordon Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill, 1967), 3-90; Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, 1967), 55-143.

³⁷ Butterfield, ed., *Adams Papers*, II, 143.

³⁸ John Adams to Joseph Palmer, September 26, 1774, Burnett, ed., *Letters Continental Congress*, I, 48; John Adams to William Tudor, September 29, 1774, *ibid.*, I, 60; John Adams to Tudor, October 7, 1774, *ibid.*, I, 65.

³⁹ Butterfield, ed., *Adams Papers*, II, 138-139.

⁴⁰ *Ibid.*, II, 121.

war," John Dickinson maintained.⁴¹ Galloway, however, had not fully made the transition from peaceful protest to the usage of countercoercive measures. He was, according to John Adams, "like the Tribe" in Massachusetts which had followed Governor Thomas Hutchinson. Galloway was "now just where the Hutchinsonian Faction were" in 1765 "when We were endeavouring to obtain a Repeal of the Stamp Act."⁴²

If the Galloway Plan did not require that the colonists relinquish theoretical rights, it threatened the actual powers of the provincial assemblies. The scheme, Henry charged, might strip the colonies of hard-earned legislative prerogatives and "throw them into the arms of an American Legislature" as corrupt as the British model. Richard Henry Lee feared the "Plan would make such Changes in the Legislature of the Colonies" that the powers of the assemblies would be negated.⁴³

In addition, many colonists, as a result of nearly incessant imperial warfare, had begun to question the necessity of American participation in undesired foreign wars. The colonists, James Otis suggested a decade earlier, had "joined in the stakes" in the Great War for Empire because "the bet was not for the safety of the colonies alone; it was for the salvation of . . . the whole community." But Otis and others subsequently began to doubt the wisdom of American participation in British wars. In spite of colonial sacrifices, Stephen Hopkins lamented, Americans "reaped no sort of advantage by the conquests. . . ." British warfare, in fact, might be detrimental to the colonists. The effect of the imperial relationship, according to Thomas Paine who later most fully articulated the concept, was to "involve this continent in European wars and quarrels, and [to] set us at variance with nations who would otherwise seek our friendship, and against whom we have neither anger nor complaint. . . ." The Galloway plan not only offered no safeguard against involvement in foreign wars but would have extended nearly dictatorial powers to Great Britain during time of war. Significantly, Franklin privately told Galloway that he could not support the compromise plan because "I . . . apprehend more mischief than

⁴¹ John Dickinson to Arthur Lee, October 27, 1774, Burnett, ed., *Letters Continental Congress*, I, 83.

⁴² Butterfield, ed., *Adams Papers*, II, 119.

⁴³ *Ibid.*, II, 143.

benefit from a closer union. I fear they will drag us after them in all the plundering wars.”⁴⁴

The repeated rejection of colonial supplications disillusioned some, while others despaired at the absence of any discernible sign of accommodation from London. The ministerial policy toward America, embodied in the Declaratory Act of 1766, was analogous to Britain's position toward Ireland. Britain, despite the pleas of Ireland, had never budged from the Declaratory Act of 1720, legislation which stated Parliament's sovereignty over the Irish.⁴⁵

The belief that rapid, positive action by the colonists was imperative influenced many congressmen. This attitude partially stemmed from the assumption that Great Britain had “now drawn the sword . . . and . . . will not sheath it, but that next summer will decide the Fate of America.” In short, America must somehow act quickly to deter Great Britain from instigating hostilities. “It is generally thought here,” John Adams reported in 1774, “that the Ministry would rejoice at a rupture in Boston, because that would furnish . . . an Excuse . . . [for] the Necessity of pushing Hostilities, against Us. . . .”⁴⁶ In addition, many delegates feared that a prolongation of the dispute would so divide the colonists that redress would be unattainable. The stalemate which developed over the Townshend Duties demonstrated that the colonial resolve might collapse in a long test of wills. Furthermore, it was feared that if the dispute was not speedily resolved Great Britain might indict the Congressmen for “Treason, [Mi]sprision of Treason, or Felony, or a Praemunire.” In that eventuality “the assemblies or Members [might] be intimidated” into capitulation. Other delegates were alarmed at the prospect of a prolonged period during which no legitimate government was discernible. “We want not only Redress, but speedy Redress,” Thomas Lynch asserted. Anxiety at the course the restless multitude might take induced Lynch to blanch at the prospects for a society compelled to “live without Government . . . [for] one Year.”⁴⁷

⁴⁴ James Otis, *A Vindication of the British Colonies, against the Aspersions of the Halifax Gentleman, in His Letters to a Rhode Island Friend* (Boston, 1765), 4; [Stephen Hopkins], *The Rights of the Colonists Examined* (Providence, 1765), 21; James Otis, *The Rights of the British Colonies Asserted and Proved* (Boston, 1764), 32, 43; Thomas Paine, *Common Sense*, in Philip Foner, ed., *The Complete Writings of Thomas Paine* (4 vols., New York, 1945), I, 2-21; Benjamin Franklin to Galloway, February 25, 1775, Jared Sparks, ed., *The Works of Benjamin Franklin* (10 vols., Boston, 1856), VIII, 432-434.

⁴⁵ Maier, *From Resistance to Revolution*, 178-180.

⁴⁶ Butterfield, ed., *Adams Papers*, II, 140; John Adams to Joseph Palmer, September 26, 1774, Burnett, ed., *Letters Continental Congress*, I, 48.

⁴⁷ Butterfield, ed., *Adams Papers*, II, 138, 148-149.

Since most delegates were appalled at the thought of military coercion and since the Galloway scheme promised only lengthy negotiations with no guarantee of success, the majority decided the only alternative was for America to utilize its economy as an arsenal against the parent state. "A total Non Import and Non Export to G. Britain and W. Indies must produce a national Bankruptcy [in Britain] in a very short Space of Time," Samuel Chase argued. Lynch thought that Parliament would be compelled to "grant us immediate Relief. Bankruptcy would be the Consequence if they did not." Economic coercion "would come upon them like a Thunder Clap," Colonel Dyer predicted. Richard Henry Lee even maintained that the "same ship which carried home" the news of an American embargo "will bring back the Redress."⁴⁸

Moreover, important differences existed between Galloway and many congressmen over the crucial question of sovereignty. Since the proceeding century orthodox English theorists had embraced the notion that every state must contain some unit of incontrovertible supreme power, and that Parliament constituted such a unit in Great Britain. The American attempt after 1765 to adjust this definition of sovereignty to its needs and aspirations led to the central ideological conflict of the colonial era. Britain held inflexibly to the position that there was "no alternative: either the colonies are a part of the community of Great Britain or they are in a state of nature with respect to her. . . ." Parliament, according to the Declaratory Act of 1766, "had, hath and of right ought to have, full powers and authority to make laws and statutes . . . to bind the colonies . . . in all cases whatsoever."⁴⁹ The colonial leadership was slow to grasp the full implications of the question. Most American dissenters initially argued that Parliament—although sovereign—could not legitimately exercise certain powers. Parliament might levy some kinds of taxes, but it lacked authority to enact others. Later, while agreeing that Parliament's sovereignty included powers essential for the preservation of an orderly empire, the colonists denied that Parliament possessed any powers of taxation over America.⁵⁰

By the time Congress met, therefore, most Americans were no longer willing to abide by a Parliament empowered to make *all laws*

⁴⁸*Ibid.*, II, 120, 138, 140.

⁴⁹ Quoted in Bailyn, *Ideological Origins*, 218. The Declaratory Act of 1766 is printed in Merrill Jensen, ed., *English Historical Documents* (12 vols., London, 1964), IX, 695-696.

⁵⁰ For an extended discussion of the question of sovereignty—and that upon which this paragraph is based—see Bailyn, *Ideological Origins*, 198-229.

for the colonies. Thomas Jefferson, not Galloway, better represented the mood of Congress. There was no "title to that authority which the British parliament would arrogate over us," Jefferson wrote in 1774. The monarch was the sole "chief magistrate of the British empire." He was the "common sovereign, who was . . . the central link connecting the several parts of the empire." "It is neither our wish, nor our interest, to separate" from the empire, Jefferson concluded. Congress was willing "to sacrifice every thing which reason can ask to [secure] the restoration of that tranquility for which all must wish."⁵¹ But Congress was unwilling to recognize Parliament's authority over the colonies. Hence, Galloway's belief that "every government of necessity" must possess a "supreme legislature, to which the subjects . . . owe obedience," was viewed as an anachronism in 1774.⁵²

Finally, the best of plans proffered by a man with the reputation of an unequivocal tory would have faced considerable opposition. To what extent the delegates were familiar with Galloway's ideology can not be determined, but his radical opponents believed they thoroughly understood his real philosophy. They certainly knew he had frequently equivocated on the question of Great Britain's imperial powers. Moreover, Galloway was a well-known leader in the movement to replace proprietary rule with royal government in Pennsylvania, a scheme which—in the wake of a decade of imperial crises—was decidedly less popular in 1774 than it had once been.⁵³ Patrick Henry had "a horrid Opinion" of Galloway and was anxious to describe his "true Colours." John Adams thought Galloway a master of "machiavilian Dissimulation" who only pretended "to be a stanch Friend to Liberty." He believed Galloway had "accepted a seat in this Congress rather for the purpose of 'sitting on the skirts of the American advocates,' than of promoting any valuable end."⁵⁴ "A Tory here," Adams added, "is the most despicable animal in the creation. Spiders, toads, snakes are their only proper emblems."⁵⁵

⁵¹ Thomas Jefferson, *A Summary View of the Rights of British Americans*, in Julian P. Boyd et al., eds., *The Papers of Thomas Jefferson* (18 vols., Princeton, 1950), I, 121-122, 135.

⁵² Galloway, *A Candid Examination*, 6, 50. Galloway's contention did not remain anachronistic for long. His concept of sovereignty was remarkably similar to that of the Federalists of 1787-1788. See, Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774-1781* (Madison, 1940), 108-110.

⁵³ See Hutson, *Pennsylvania Politics*.

⁵⁴ Butterfield, ed., *Adams Papers*, II, 119, 151; Charles F. Adams, ed., *The Works of John Adams, Second President of the United States: With a Life of the Author* (10 vols., Boston, 1856), II, 387n.

⁵⁵ John Adams to Mrs. Adams, September 14, 1774, Burnett, ed., *Letters Continental Congress*, I, 31.

It would not have been difficult for other congressmen to learn of Galloway's sentiments. As a perspicacious politician, he must have tested the full panoply of his ideas on some delegates. In a history of the Revolution written several years later, he intimated that he had perhaps been too open and ingenious with some congressmen. He also acknowledged that much of the real business had transpired, as can easily be imagined, "out of doors."⁵⁶ In addition, as an important political leader for nearly twenty years, the position he had taken on many issues was a matter of public knowledge. Presumably, information that was not publicly available was revealed by Galloway's Pennsylvania enemies—men like John Dickinson, Charles Thomson, and Thomas Mifflin—with whom the radicals quickly allied as substantive issues came before Congress. Hence, even Galloway's offer of the Pennsylvania State House as a meeting site was rejected, not because it was not the best location, "but as *he* offers, the other party opposed."⁵⁷

In the First Continental Congress, therefore, those who hoped to petition for redress struggled against those who believed that only countercoercive measures would impress Great Britain. Soon after the convening of Congress Joseph Galloway emerged as the spokesman of the conservative delegates. He suggested a compromise alternative to coercion, a plan by which Congress would petition for the repeal of Great Britain's obnoxious legislation and proffer a plan to revise the imperial constitution. Few Congressmen, however, were still willing to recognize Parliament's authority over America. Moreover, some feared that congressional adoption of such a plan—especially a scheme advocated by a well-known tory—might make the colonists appear irresolute, while enactment might endanger America's legislative autonomy. Congress, therefore, rejected the proposal.

The evidence is far from conclusive that congressional adoption of the Galloway Plan would have produced serious imperial negotiations. Great Britain might have remained unwilling to make a substantive offer to recalcitrant colonists, or the plan might have provided the North government with the face-saving measure it required to pursue serious negotiations with the colonists. It is clear, however, that Congress had an alternative to mere acceptance or rejection of ministerial policy. It is also clear that congressional re-

⁵⁶ Galloway, *Historical and Political Reflections*, 21, 59, 61-69.

⁵⁷ Silas Deane to Mrs. Deane, September 1-3, 1774, Burnett, ed., *Letters Continental Congress*, I, 5.

jection of the compromise alternative made the violent rupture in Anglo-American relations—dreaded even by the radical delegates—a virtual inevitability.

