

THE PENNSYLVANIA PROVINCIAL CONFERENCE OF
1776

By JAMES E. GIBSON

Records and documents are available, among public archives, to prove a claim that the proceedings of the Pennsylvania Provincial Conference of June 18 to 25, 1776, made possible the Declaration of Independence on July 4.

That the actions and results of this assembly of Pennsylvania leaders are not better known or given commensurate credit is undoubtedly due to the greater importance of the Declaration of Independence, which eclipsed Pennsylvania's exploit.

Dr. Bodo Otto,* the special subject of our interest, though a comparatively newcomer to readers, was among those chosen to represent twenty thousand citizens of Berks County in that memorable gathering of loyal Pennsylvania men. His local associate conferees were:

Colonel Mark Bird, who equipped 300 Berks County troops at his own expense and later served as Judge of the County Court.

Colonel Henry Haller, a man of great social and political influence who became Wagon Master General for the Continental army.

Colonel Nicholas Lotz, commander of the Berks County troops at Long Island and later Commissioner of Forage and Supplies for the army.

Colonel Jacob Morgan, who, like Bodo Otto, was past military age when the Revolution began, rendered important service throughout the war and afterwards served the County, as Judge, for a period of nine years.

* This article is a chapter in the forthcoming "Biography of Dr. Bodo Otto, a Revolutionary Hospital Physician and Surgeon."

Colonel Valentine Eckart, who commanded troops in the Battle of Germantown, where he was wounded; represented Berks County in the Assembly from 1776 to 1779, and later was a Judge of the Court of Common Pleas, and Brigade Inspector.

Charles Shoemaker, whose grandfather settled Germantown with Pastorius, was Solicitor for the Continental Loans and a member of the Assembly and Senate.

Benjamin Spyker, an Indian trader and officer in the French and Indian war.

Colonel Daniel Hunter, who served as a Paymaster of Militia in 1776, and in 1777, as commander of a regiment.

Joseph Hiester, who raised a Company for the Flying Camp and saw action on Long Island. He was a member of the Constitutional Convention, General Assembly, the Senate and House of Representatives of the United States, finally becoming Governor of Pennsylvania.

Of such were the men who met in Philadelphia on June 18, 1776.

Next to pardonable pride, in personal achievement or success of descendants, comes satisfaction in attainments and prominence of ancestors. Yet few descendants of the Delegates to the Pennsylvania Provincial Conference, are aware of the noteworthy and determining part played by their forbears in making the thirteen American Colonies a free and independent Nation. If the conditions and circumstances were better known there might now exist a "Society of the Pennsylvania Provincial Conference," with membership considered a privilege of great honor and distinction.

The several Provincial Conferences called into being by resolution of the Continental Congress, dated May 15, 1776, have received but little attention.

The conferees of Pennsylvania, composed of the

outstanding and influential men of each County, deserves special credit, for without their prompt action, loyal support and forceful resolutions embodying stirring appeals to the people, the Declaration of Independence might have been delayed until a later date, and even then might not have been unanimously adopted. They helped solidify the opinion of the citizens of the Colony before the meeting of June 18, thereby forcing the Assembly to withdraw its objectionable orders to the Delegates in Congress. The Conference assumed legislative authority on several important resolutions of Congress requesting aid from the Colonies.

The first meeting of Representatives of the Colonies, called by Massachusetts, met at New York in 1765, and passed resolutions containing a Declaration of Rights which included protests against "Taxation without Representation." Similar action was taken by many local groups, who met throughout the Colonies, and most of these early protestations and petitions contained assurances of loyalty to the King, with the direct charge that the existing difficulties and dissensions were the results of tyrannical and arbitrary acts of parliament; the petitions prayed that the King, in his wisdom, justice and kindness, would repeal the unfair and unwarranted legislation of his representatives. When these communications were continually ignored and the troops of the British government used to enforce the Parliament's objectionable measures, the idea of a complete separation from Great Britain took form and many of the influential men of the Colonies encouraged its discussion.

The sentiment for a severing of all ties with England developed earlier and faster in the North and South than it did in the Middle Colonies, where the people long remained divided in their opinions. Many who conceded that a Declaration of Independence should

eventually be passed, thought the time for such an important step had not yet arrived; that the people were not sufficiently of one mind on the subject, and no plan for a consolidated government to unite the Colonies into an acceptable relationship, had been developed. Others believed that a decisive battle should first be won, by the Continental Army, in order to give confidence to the citizens and evidence of strength to the world. Those who favored an early action argued that the Colonies were in urgent need of material aid and moral support, from Europe, and a Declaration of Independence and the establishment of an organized government for the combined Colonies would result in the desired recognition from European sovereigns, who might be disinclined to enter into treaties with or assist a people who were only in rebellion and without solidified entity or adopted plan.

Several of the Colonies, among them Pennsylvania, were governed by laws laid down in their original charters with responsibilities direct to the King. The Provincial officers and members of the Assemblies had taken oaths of allegiance and fidelity to the Sovereign, so not only their consciences but fear of the charges and penalty of treason restrained them from any step branding them as traitors.

When the agitation for separation began, the Quakers were in political control of the Pennsylvania Government. They had established and maintained a system of representation, in the Assembly, based on a property qualification for suffrage, giving a preponderance of members to Philadelphia against the outlying counties.

The civil officers and Assembly members were required to take an oath or affirmation that few but Anglicans or orthodox Quakers could conscientiously execute. It contained an acknowledgement of the sovereignty of the King; a denial of the right of the

Pope to depose rulers; a declaration of belief in the Trinity, and a specific renunciation of the so-called mental reservations so much feared by the Protestants. The Quakers' scruples against war and the fear of the merchant class that a severance of all ties with England, who controlled the seas, would destroy European trade, influenced the opinion and action of many in the Assembly.

The Pennsylvania separatist sentiment developed early in the far country districts which were largely settled by Germans, Welsh and Scotch Irish. Their resentment against England and beliefs in resistance had been early evidenced by sending material aid and well-equipped troops to the relief of Boston and through many resolutions adopted in public meetings.

The German and Scotch-Irish elements had little love for Great Britain and less expectation of a reconciliation based on England's abandonment of abuses and a more liberal policy towards America. They were not in accord with the weak Indian policies of the Colonial legislative body, for they had suffered from Indian raids and massacres, and the Provincial officers were disinclined to use armed force to redress their grievances. So there was much indignation against the Assembly for ignoring the wish of a majority of the people.

The Pennsylvania Assembly was either indifferent to or had no appreciation of the strength of the people's feeling that the differences with England were too fundamental to be surrendered or compromised, for they issued and maintained, for seven months, the following instructions to their appointed delegates in the Continental Congress:

November 9th, 1775

Gentlemen:

The trust imposed in you is of such a nature and the modes of executing it may be so diversified in the course of your deliberations that it is scarcely possible to give you particular instructions respecting it.

We therefore, in general, direct that you or any four of you, meet in Congress, the Delegates of the several Colonies now assembled, in this City, and any such Delegates as may meet in Congress next year: That you consult together on the present critical and alarming state of Public Affairs; that you exert your utmost endeavor to agree upon, and recommend, such measures as you shall judge to afford the best prospects of obtaining redress of American grievances and restoring that union and harmony between Great Britain and the Colonies so essential to the welfare and happiness of both countries.

Though the oppressive measures of the British Parliament and Administration have compelled us to resist their violence by force of arms, yet we *strictly enjoin you, that you, on behalf of this Colony, dissent from and utterly reject, any proposition, should such be made, that may cause, or lead to, a Separation from the Mother Country or a change of Form of this government.*

You are directed to make report of your proceeding to this House.

John Morton
Speaker

Several congressional delegations from other Proprietary Colonies had received similar instructions and their combined opposition greatly hampered the progress of the separation movement. However, by the first of May, 1776, there was sufficient unanimity of opinion between the people and delegates of the New England and Southern Colonies to warrant an effort, by Congress, to force an issue with the Proprietary Government by making an appeal addressed to the people. This resolution called on the citizens of the several Colonies to appoint a Provincial Conference, *where the Assembly would or could not act* to reorganize the constitutions of the separate colonies, that the responsibility of the legislative bodies would be direct to the citizens. This action by Congress had its inception on May 6, 1776, when "the House resolved itself into a committee of the whole to take into account the state of the United Colonies."

Under date of May 11, 1776, Richard Henry Lee, of Virginia, wrote to Charles Lee, saying:

The Proprietary Colonies do certainly obstruct and perplex the American machine. Those who wish delay & want nothing done, say, "let the people of the Colonies begin, we must not go before them" though they well know the language, in the Country, to be "let the Congress" [do it]. In fact the other Colonies must do what is right and on giving proper and positive orders to their Servants in Congress, the Proprietary men will be obligated to pursue the right road.

On the same day, James Duane, Congressional member wrote to John Hay:

A resolution has passed a Committee of the whole Congress recommending it to the Colonies, to assume all the powers of Government. It waits only the Preface and will be ushered into the World. This in confidence.

On May 15, 1776, this important Resolution, with its Preamble, was formally adopted by Congress; ordered published in newspapers and circulars and posted throughout the Colonies. The reaction was anxiously awaited. If the people of the Proprietary Provinces responded, by forcing their assemblies to action or by appointing delegates to Provincial conferences, to overthrow the existing order of Government, a Declaration of Independence was assured; if not, the dissensions in Congress were likely to increase and a united federation of Colonies postponed and even jeopardized.

Under date of May 15, 1776, John Adams wrote to James Warren, at Boston:

This day the Congress has passed *the most important Resolution that has ever been taken in America*. It is, as nearly as I can repeat it from memory in these words:—"Resolved.—That it be recommended to the several Assemblies and Conventions to institute such Forms of Government, as, to them, shall appear necessary to promote the happiness of the people." This Preamble and Resolution are ordered to be printed and you will see them immediately in all the newspapers upon the continent. I shall make no comment upon this important and decisive Resolution.

John Adams, in his *Autobiography*, wrote:

It [the Resolution] was brought before the Committee of the whole House, in concert between Mr. Richard Henry Lee and me and, I suppose, General Washington was informed of it by Mr. Harrison, the Chairman, or some others of his correspondence. But nothing of this appears upon the Journal. It is carefully concealed like many other things relative to the greatest affairs of the nation that were before Congress in that year.

This Resolution I considered as an Epoch; a decisive event. It was a measure which I had invariably pursued for a whole year and contended for through a scene and a series of anxiety, labor, study, arguments and obloquy, which was then little known and is now forgotten by all but Dr. Rush and a very few, who like him, survive. Millions of curses were poured out, upon me, for these exertions and triumphs over them, by many, who, whatever their pretense may have been, have never forgotten nor cordially forgiven me. By these I mean not the Tories, for from them I always received more candor, but a class of people who thought proper and convenient to themselves to go along with public opinion, in appearance, though in their hearts, they detested it. Although they might think the public opinion was right, in general, in its differences with Great Britain, yet they secretly regretted the separation.

Caesar Rodney, delegate from Delaware, made comment on the Resolution in a letter to Thomas Rodney, dated May 17, 1776:

Enclosed I have sent you the printed copy of the Resolution of Congress mentioned in my last. Most of those who are termed the cool considerate men, think it amounts to a Declaration of Independence. It certainly savors of it but you will see and judge for yourself.

The first reaction to the resolution in Pennsylvania came from a public gathering held on May 20, 1776, in the State House yard, now known as Independence Square. Force's *Archives* contains an account of the meeting taken from contemporary newspaper records. It reads:

At a meeting at the State House, a very large number of the inhabitants of the City and Liberties of Philadelphia, upon due notification, Mayor John Bayard, as chairman of the Committee of Inspection and Observation of the City and Liberties, informed the people that the meeting was called at the request of a considerable number of respectable citizens. Whereupon

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Colonel Daniel Roberdeau was appointed to and seated in the chair. And it was moved that the Resolve of Congress of the 15th inst. be read: whereupon it was read in the following words:

WHEREAS—his BRITANNIC MAJESTY in conjunction with the LORDS and COMMONS of GREAT BRITAIN has, by a LATE ACT of PARLIAMENT, excluded the INHABITANTS of the UNITED COLONIES from the protection of the CROWN and WHEREAS no answer whatever to the HUMBLE PETITION of the COLONIES for redress of greivances and reconciliation with GREAT BRITAIN has been or is likely to be given but the whole force of that KINGDOM, aided by FOREIGN MERCENARIES, is to be exerted for the destruction of this good people of these COLONIES—and WHEREAS, it appears absolutely irreconcilable to reason and good conscience for the PEOPLE of these COLONIES now to take the OATHS and AFFIRMATIONS necessary for the support of any GOVERNMENT under the crown of GREAT BRITAIN and it is necessary that the exercises of every kind of AUTHORITY under the said CROWN should be totally suppressed and all the POWER of GOVERNMENT under the authority of the people of the COLONIES for the preservation of internal peace, virtue and good order, as well as for the defense of their lives, liberties and properties against a hostile invasion and cruel depredation of their enemies.

THEREFORE:

THAT it be RECOMMENDED to the ASSEMBLIES and CONVENTIONS of the UNITED COLONIES, where no GOVERNMENT sufficient to the exigencies of their affairs has been hitherto established, to adapt such GOVERNMENT as shall in the opinion of the REPRESENTATIVES of the PEOPLE, best conducive to the happiness and safety of their CONSTITUENTS in particular and AMERICA in general.

BY ORDER OF CONGRESS

JOHN HANCOCK
President

The People, in testimony of their warmest approbation gave three cheers and moved: That the Instructions given by the Assembly to their Delegate, in Congress, be read. And the same were read accordingly. (Already quoted on page 6.) Colonel Thomas McKean informed the meeting that the committee of the City and Liberties, apprehending the dangerous tendency of the said instructions, had presented a memorial to the Honorable House of Assembly praying that they might be recinded: and the House, taking the said memorial into their consideration, did, as the last act of that Body, in their late session, determine *not to alter the said instructions*.

Upon motion: Resolved unanimously: That it is the opinion of this meeting that the said instructions have a dangerous ten-

dency to draw this Province from that Happy union with the other Colonies which we consider both our glory and protection.

On motion, Resolved (with only one dissenting vote) That the present House of Assembly, not having the authority of the People, for that purpose, cannot proceed thereon without assuming arbitrary power.

Resolved unanimously: That a protest be immediately entered by the People of this City and Liberties, against the powers of said House to carry the said resolve of Congress into execution.

It being moved, and the question thereupon put, whether the present Government is competent to the exigencies of our affairs, *the same was carried in the negative unanimously.*

Resolved, unanimously: That a Provincial Convention ought to be chosen, by the People, for the express purpose of carrying the said Resolution of Congress into Execution.

As some difficulties may arise respecting the mode of electing members for the Convention: therefore:

Resolved unanimously: That the Committee of the City and Liberties of Philadelphia be directed to send the aforesaid throughout the Province and to call together a number from "The Committee" of each County, to hold a Provincial Conference, in order to determine upon the number of which the convention for framing a new Government shall be composed and the manner in which they shall be elected.

The meeting then framed the following Protest to be sent to the Assembly:

To the Honorable, the Representatives of the Province of Pennsylvania:
Gentlemen:

We the Inhabitants of the City and Liberties of Philadelphia conceive it our duty to represent unto the House as follows:

That, whereas the Honorable Continental Congress hath, by a Resolution bearing date of the 15th inst. recommended the taking up and establishing New Governments, throughout all the United Colonies, under the Authority of the People: and as the Chartered Powers of their House is derived from our Mortal Enemy, the King of Great Britain, and the members thereof elected by such Persons only, as were either in real or supposed Allegiance to the said King to the exclusion of many worthy inhabitants whom the aforesaid Resolution of Congress, hath now rendered Electors: and as their House, in its present State, is in immediate intercourse with a governor bearing the said King's commission, and who is his sworn representative, holding, and by oath, obliged to hold, official correspondence with the ministers of the said King, and is not within the Reach of any act of ours to be absolved therefrom; we therefore, in this solemn manner, on behalf of ourselves, and others, do hereby renounce and protest against the Authority and qualifications of the House for

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framing a new Government. . . . In thus protesting against the authority of the House for framing a new Government, we mean not to object against it exercising the proper powers, it has hitherto been accustomed to use . . . until such time as a new Constitution, originating from and founded on the authority of the People; shall be finally settled by a Provincial Convention to be elected for that purpose, and until the proper officers and Representatives of the People shall be chosen agreeable thereto and qualified to succeed this House. For which purpose, an application will be made, to the Committee of Inspection and Observation, of the City and Liberties (which service, on all occasions, have been applied to the support of the Rights of the People), for calling a Conference of Committees of the several counties, of this Province, agreeable to the Power it is already invested with, for that purpose, which said Conference of Committees shall issue out summons for electing by ballot, a Provincial Convention, consisting of at least 100 members, for the purpose of carrying the said Resolution of Congress into Execution; as we are fully convinced that our safety and happiness, next to the immediate promise of God, depends on our complying with and supporting firmly the said Resolution of Congress that thusly the Union of the Colonies may be preserved inviolate.

Signed on behalf of, and by the Direction of the Inhabitants of the City and Liberties of Philadelphia, which upon due notification met in Philadelphia May 20, 1776.

(Signed) Dan'l Roberdeau

Chairman

The above Resolution was duly presented and read to the Assembly the succeeding day. No action was taken upon it, but the following communication was adopted by the House to be sent to the Continental Congress:

The Honorable, the Continental Congress, having passed a Resolution, the 15th inst., recommending to the Respective Assemblies and Conventions, of the United Colonies, where no Government sufficient to the exigencies of their affairs has been hitherto established, to adopt such Government as shall, in the opinion of the Representatives of the People, best conduce to the Happiness and Safety of their constituents, in particular, and American in general; and it appearing, to this House, that Doubts have arisen concerning the true sense and meaning of the Resolution; Therefore, upon motion—that . . . a committee take into consideration the said Resolution of Congress and Preamble thereto, and to draw up a Memorial, from the House,

and request an explanation in such terms as will not admit of any doubt whether the Assemblies and Conventions, now subsisting, in the several Colonies, are or are not to the Bodies, to whom the consideration of continuing the old, or adopting the new Government, is referred.

This communication has the appearance of a play for time to obtain a reaction from the people, and this was not long in coming. Public meetings were held throughout the Province and the sentiment, embodied in resolution addressed to the Assembly, were overwhelming in favor of the suggestion of Congress though one, passed by an organization in Philadelphia, protested against the intent of Congress and urged the Assembly to stand fast for the existing form of Provincial Government and their instructions to the delegates in Congress.

The result of this deluge of memorials showered upon them was to incline the Pennsylvania Assembly to inaction and several matters of great importance, submitted by Congress, were ignored, and the Assembly adjourned. The Continental Congress anxiously waited reports from the committees of the Colonies on the reception of their resolution of May 15, that they might judge the chances of success. The three following letters from members of Congress to committeemen in their home Colonies indicate the situation in Pennsylvania.

Joseph Bartlett to John Langdon

Philadelphia, May 19th, '76

Enclosed I send you an address to the People of Pennsylvania and an order for the meeting of the City and Liberties tomorrow. What will be the consequences I know not, but think the Assembly will be dissolved *and Convention called*.

Elbridge Gerry to James Warren

Philadelphia, May 20, '76.

In this Colony (Pennsylvania), the spirit of the People is great, if a judgment is to be formed by appearances. They are well convinced of the injury their Assembly has done to the

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Continent, by their instructions to their Delegates. . . . To them is owing the delay of Congress in agitating questions of great importance which, ere now, must have terminated in a *separation from Great Britain*.

John Adams to James Warren

Philadelphia, May 20, '76

Every post and every day rolls in upon Independence like a torrent. . . . Four Colonies to the Southward are perfectly agreed now with the four to the North. Five in the Middle are not yet so ripe, but they are very near it.

The Convention of New Jersey is about meeting and will assume a Government. The Pennsylvania Assembly meets this day and it is said will repeal their instructions to their Delegates which has made them so exceedingly obnoxious to America in General and their own constituents in particular.

John Adams was overly sanguine regarding the expected prompt action of the Pennsylvania Assembly, for while a resolution for withdrawal of their instructions was proposed on the day of John Adams' letter, it was defeated. No record of this action is entered in the minutes of the Assembly, but the statement was publicly made, by Colonel McKean, a member of the House. On May 21, 1776, the day after the Philadelphia public meeting, the following communication was sent from the Philadelphia Committee to the committees of the several counties in the Province.

Gentlemen :

We have, in a former letter to you, referred to the Instructions given, by the Assembly of this Province, to their Delegates, and they are published in the "Votes of the House"; you will, therefore, not be surprised to hear that the Delegates of Pennsylvania *did not* give their voice, in Congress, "for establishing Governments, throughout the Continent, on Authority of the People," but, by declining to vote, on the momentuous occasion, did, as far as was in their power, withdraw the Province from the Union of the Colonies, both in Council and in Action.

By the enclosed papers you will perceive the City and Liberties have been convened and have expressed their sense on the whole resolve of Congress. We judge the number of People, met on this occasion, exceeded four thousand and consisted of that Class of men which are most to be depended on in times of danger. A change of such importance, as is now proposed, is not brought about without some contest arising from the opposition

of interest and the force of prejudice in favor of old and established form. . . . The Committee have thought the object before us of such consequence, to the safety and happiness of the Province, as to induce us to send some of our Committee and fellow-citizens into each County, to incite such of the good people as are friends of Liberty and determined to oppose the Cruelty and Injustice of Great Britain to a spirited and manly exertion of their undoubted rights and privileges in the present favorable opportunity of establishing them forever. . . . We recommend to you to nominate such a number of your Committee, as you may think proper, to meet Delegates from the other Counties, in Philadelphia, on Tuesday, the 18th Day of next month, in order to agree upon and direct the mode of electing members for a Provincial Convention, to be held at such time and place as may be agreed upon . . . for express purpose of forming and establishing a new Government on the Authority of the People only and for the security of their Peace, Liberty and Safety according to the enclosed recommendations of the Honorable Continental Congress!

For circulation by broadcasts and posters throughout the Province, the Committee of Philadelphia, issued the following:

Friends and Fellow Countrymen:

The question, which will come before you, is short and easy: we know not how it may have been disguised or misrepresented to you, by designing persons, but to prevent your being deceived we tell you concisely, until we can prepare the matter fully for you, that you either are or will be called upon to declare whether you will support the Union of the Colonies, in opposition to the Instructions of the House of the Assembly, or whether you will support the Assembly against the Union of the Colonies: We have declared for the former, and we will, at the hazard of our lives, support the Union; for, if the Union be broken, every Province on the Continent will be upon us. We have been open in our affairs; the sense of this City hath been publicly taken and we will not be belied by Tories. We protest against private machinations and we shall consider the authors of such, as enemies and treat them accordingly. Let the men come forth who are endeavoring privately to undermine the Union; we will seek to find them out; we dare them to do it, at their peril.

Seven thousand, who appeared at the State House, and have sworn to support the Union.

P. S. Our situation makes us a kind of sentinel for the safety of the Province, and to prevent our friends from being deceived by specious impositions, we give this open notice as an instance of our good will to them.

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By June 1, 1776, The Berks County Committee had made a selection, from among their number, and sent the following communication to the Committee of the City and Liberties of Philadelphia:

In General Committee of Berks County—Reading, June 1st, 1776.

Gentlemen:

Agreeable to the assurance in our last, your letter of the 21st Ult., with several papers therewith sent, were laid before the General Committee of this County: and I am now directed to acquaint you that they have appointed a number of gentlemen, of their body, to attend the Conference proposed to be held in your City on the 18th of this month, in order to agree upon and direct the mode of electing members for a Provincial Convention, a measure which they conceive to be extremely proper in itself and mighty necessary in the present situation of our affairs.

The gentlemen, nominated by the Committee, are—

Dr. Bodo Otto,
Jacob Morgan
Benj. Spiker
Daniel Hunter
and myself.

Henry Haller
Charles Shoemaker
Joseph Heister

By order of the Committee

Mark Bird, Chairman

The Pennsylvania Assembly, realizing the indignation and demands of the people could no longer be ignored, withdrew their instructions to the Congressional delegates on June 14, 1776, just four days before the assembling of the Provincial Conference. This communication reads:

Gentlemen:

When by our instructions of last November, we strictly enjoined you, in behalf of this Colony, to dissent from and utterly reject any propositions, should such be made, that might cause or lead to a separation from Great Britain or a change of form of this Government, our restrictions did not arise from any diffidence of your ability, prejudice or integrity, but an earnest desire to serve the good People of Pennsylvania, with fidelity, in times so full of alarming dangers and perplexing difficulties.

The situation of Public affairs is since so greatly altered, that we now think ourselves justifiable in removing the restrictions laid upon you by those instructions. . . . We therefore hereby

authorize you to confer with the other Delegates, in Congress, in forming such further compacts between the United Colonies, concluding such treaties, with foreign Kingdoms and States and in such other measures as, upon a view of all circumstances, shall be judged necessary for promoting the Liberty, Safety and Interest of America; reserving, to the People of this Colony, the sole and exclusive Right of Regulating the internal Government and Police of the same.

John Morton
Speaker.

In spite of this action of the Assembly, the majority of the Pennsylvania delegates continued to oppose the plans of Congress for a Declaration of Independence and in the early vote, on the subject, cast Pennsylvania's ballot in the negative. But particulars of this later. The House of Burgesses of Virginia took early action on the May 15 resolution of Congress and went so far as to instruct their delegates in Congress to introduce a resolution which was offered on Friday, June 7, 1776, by Richard Henry Lee in these memorable words:

1st. That these United Colonies are, and of a right ought to be free and independent states; that they are absolved from all allegiance to the British Crown and that all political connections between them and the State of Great Britain is and ought to be totally dissolved.

2nd. That a plan of Confederation be prepared and transmitted to the respective Colonies for their consideration and approbation.

3rd. That it is expedient forthwith to take the most effective measures of forming foreign alliances.

The minutes of the Continental Congress have not fully recorded the discussion that followed. It should be remembered that the meetings of Congress were held behind closed doors and the proceedings were secret. The Journal records were short and to the point and often names were omitted that the members might feel freer in their debates. It is known that arguments for and against the proposal were made and some pleaded that the voting be delayed until the voice of the

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people might be heard, through the conventions to be soon held, so on Monday, June 10, it was agreed to postpone further action until July 1.

The proceedings of the Provincial Conference of June 18 to 25, 1776 are fully recorded in the *Votes of the Assembly* of that year and it is believed a notebook containing the minutes of the Conference, in the library of The Historical Society of Pennsylvania, is the original record.

The Pennsylvania Archives record that the Provincial meetings were held in Carpenters' Hall as there was no available space in the State House where the Continental Congress was in session:

June 18th, 1776. This day a number of gentlemen met in Carpenters' Hall in Philadelphia, being deputed by the Committee of the Province to join in a Provincial Conference in consequence of a circular letter from the Committee of the City and Liberties of Philadelphia, enclosing the Resolution of the Continental Congress of the 15th of May.

Colonel McKean, as Chairman of the City Committee, declared the motive which had induced that Committee to prepare the holding of the present conference and then laid on the table a certificate of deputies appointed on the part of said Committee.

The Delegates from the several counties then presented their credentials and the registrar shows the following whose names and memories deserve equal honors with those of the signers of the Declaration of Independence, for in their own strong Declaration of Independence they took the same risks of English punishment as did the members of the Continental Congress.

Berks County—10 Members

Dr. Bodo Otto
Henry Haller
Colonel David Hunter
Benjamin Spiker
Charles Shoemaker

Colonel Mark Bird
Capt Joseph Hiester
Colonel Nicholas Lutz
Colonel Valentine Eckerd
Colonel Jacob Morgan

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Lancaster County—9 Members

William Atlee, Esquire	Lodowick Lowman
Colonel Alexander Lowrey	Colonel Bartram Galbraith
John Smiley	Capt. Andrew Graaf,
Major David Jenkins	William Brown,
Major James Cunningham	

Bucks County—5 Members

Major Henry Wynkoop	John Kidd, Esquire
Colonel Joseph Hart	John Wallace
Mr. Benjamin Sigle	

Northampton County—6 Members

Robert Severs, Esquire	Nicholas Depue, Esquire
Colonel Neigal Gray	David Deshler
John Weitzet, Esquire	Benjamin Dupue.

York County—9 Members

Colonel James Smith	Robert McPherson
Colonel Henry Stagle	Richard M. Chester
James Egar	David Kennedy
Wm. Rankin	John Hay*
Capt. James Read.	

Cumberland County—10 Members

James M. Lane	Dr. John Colhoon
Colonel John Allison*	John Creigh
John M. Clay Esq.	Hugh McCormick
Wm. Elliot, Esq.	John Harris
Col. Wm. Clark	Hugh Alexander

Bedford County—3 Members

Daniel Davidson, Esq.	Colonel David Espy
Colonel John Peper	

Westmoreland County—2 Members

Edward Cook	James Perry
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Chester County—13 Members

Col. Evan Evans	Col. Richard Thomas
Col. Wm. Montgomery	Major Wm. Evans
Col. Hugh Lloyd	Col. Thomas Horkley
Richard Reiley, Esq.	Major Caleb Davis
Col. Lewis Grono	Elisha Price, Esq.
Major Sketchley Morton	Samuel Fairlamb
Captain Thomas Lewis	

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Philadelphia County—11 Members

Col. Wm. Hamilton*	Col. Henry Hill
Major James Potts*	Col. Robert Lewis
Major Robert Loller	Dr. Enoch Edwards
Joseph Mather	Col. John Bull
Mathew Brook	Col. Fred. Antes
Edward Bartholomew*	

City of Philadelphia—25 Members

Dr. Benjamin Franklin*	Capt. Jas. Moulden
Col. Thomas McKean	Wm. Lowman
Christopher Marshall, Sr.	Dr. Benj. Rush
Major John Bayard	Christopher Ludwig
Col. Timothy Matlack	James Mulligan
Col. Joseph Dean	Jacob Schriner
Capt. Francis G.	Capt. Sharp Delaney
Major Wm. Coates	Major John Cox
George Schloffer	Capt. Benj. Loxley
Capt. Jonathan B. Smith	Capt. Geo. Goodwin
Capt. Sam'l Brewster	Jacob Barge
Capt. Joseph Brewer	Samuel C. Morris
	William Robinson

The members marked with an asterisk did not attend the Conference, but 97 delegates out of the 103 appointed were present and sat continuously, including Sunday, until the business was completed. On the opening day the Conference was duly organized and on the following one, it was:

Resolved, that, in taking the sense of this conference, on any question which may come before them, the City and County respectively shall have one vote.

On motion it was resolved that the Resolution of the Continental Congress of May 15th, recommending the total suppression of all Authority under the King of Great Britain, etc., be read, and it was read accordingly.

It was then "resolved unanimously, that the said Resolution of Congress of May 15th last is fully approved by this Conference."

Then followed another Resolution:

That the present Government of this Province is not competent to the exigencies of our affairs.

And further:

Resolved, N. C. D. that it is necessary that a Provincial Convention be called, by this Conference, for the express purpose of forming a new Government in this Province, on the authority of the People only.

In the afternoon of June 19, the Conference received a petition from the German Associators of the City and Liberties of Philadelphia, praying that all who were taxable be entitled to vote. The Conference resolved itself into a "Committee of the Whole" to consider qualifications for suffrage and then adjourned.

On June 20, it was agreed that

Every Associator, in the Province shall be admitted to a vote for members of the Convention, in the City or County in which he resides, provided he be twenty-one years preceeding election and shall have contributed to the payment of either provincial or County taxes. That he take the following test oath:

I ——— do declare that I do not hold myself bound to bear allegiance to George the Third, King of Great Britain, etc., and that I will not, by any means, directly or indirectly, oppose the establishment of a free Government, in the Province of the Convention now to be chosen: nor the measures, adopted by the Congress, against the tyranny attempted to be established in these Colonies by the Court of Great Britain.

It was

Resolved that no person who has been published, by any Committee of Inspection or Committee of the Safety in the Province as an enemy to the Liberties of America, and has not been restored, to the favor of his Country, shall be permitted to vote at the election of members of said Convention.

In addition, it was

Resolved that every voter, at the proposed election, shall be a free man and if thereunto required, by any of the Judges of Inspection, shall, before his vote is received, take the foregoing test.

On Sunday, June 23, it was agreed that the election of delegates for the Pennsylvania Constitutional Convention should be held on July 8, and further resolved

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That it be recommended to the said convention to choose and appoint Delegates or Deputies of the United Colonies and also a Committee of Safety to exercise the whole of the executive powers of Government so far as relates to the Military defense and safety of the Province.

They also drafted an address to the people of Pennsylvania, reading:

Friends and Countrymen:

In obedience to the power we derived from you, we have fixed upon a mode of electing a Convention to form a government for the Province of Pennsylvania, under the authority of the People.

Divine Providence is about to grant you a favor which few people have ever enjoyed before; the privilege of choosing Deputies to form a Government under which you are to live. We need not inform you of the importance of the trust you are about to commit to them. Your liberty, safety, happiness and everything that posterity will hold dear to them, to the end of time, will depend upon their deliberations. It becomes you therefore, to choose such persons only to act for you in the ensuing Convention, as are distinguished for wisdom, integrity and a firm attachment to the Liberties of this Province as well as to the Liberties of the United Colonies in general.

In order that your Deputies may know your sentiments as fully as possible, upon the subject of Government, we beg that you will convey to them your wishes and opinions upon the head immediately after their election.

We have experienced an unexpected unanimity in our Council, and we have the pleasure of observing a growing unity among the people of this Province. We beg that this brotherly spirit may be cultivated and that you would remember that the present unsettled state of the Province requires that you should show forbearance—charity and moderation to each other. We beg that you would endeavor to remove the prejudice of the weak and ignorant, respecting the proposed change in our Government, and assure them that it is absolutely necessary to secure prosperity, liberty and the sacred rights of conscience to every individual in the Province.

The season of the year, and exigencies of our Colony, require dispatch in the formation of a regular Government. You will not, therefore, be surprised at our fixing the day of the election of Deputies so early as the 8th of next July.

We wish you success in your attempt to establish and perpetuate your liberties, and pray God to take you under his special protection.

Signed by unanimous order of the Conference

Thos. McKean, President

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Robert Morris called the attention of the Conference to the fact that the Pennsylvania Assembly had failed to act on request of the Continental Congress for 6,000 militia to join the Flying Camp in New Jersey and stated the Committee of Safety had not felt it possessed the necessary authority to enlist the troops and had so notified Congress. The aforesaid communication was ordered read and it was then resolved

Whereas it appears to this Conference that the 6000 militia required of the Colony by Congress . . . are absolutely necessary for the Defense and Security of the Thirteen Colonies; and whereas it appears that the requisition of Congress was made to the Colony of Pennsylvania and same can not be complied with by the Assembly or Committee of Safety of the Province; and unless this Conference being the only representative body of this Colony, that can at the time with propriety interpose in this business, undertake to accomplish the desire of Congress . . . the aforesaid flying camp cannot be raised in due time; and the liberties and safety of this Province, as well as of the other Colonies, may be thereby endangered. . . . Therefore Resolved unanimously that the Conference do recommend to the Committees and Associators of this Province to embody 4500 of the Militia which with the 1500 men now in the pay of this Province, will be the quota of this Colony required of Congress.

It was then resolved that a Committee be appointed to devise ways and means for raising the 4500 men and to inquire into all matters necessary to fit them for taking the field.

The following levy of troops was then made in the City of Philadelphia and the several counties:

City of Phila.	210	<i>Carried forward</i>	2754
County of Phila.	746	Berks	666
Bucks Co.	400	Northampton	346
Chester	652	York	400
Lancaster	746	Cumberland	334
<hr/>			
	2754		4500
		Troops under Col. Mills	1500
			<hr/>
			6000

And it was

Resolved that the 4500 Militia be formed into six Battalions each to be commanded by:

1 Colonel, 1 Lt. Colonel and 1 Major

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The Staff to consist of:

1 Chaplain	1 Surgeon Mate
1 Surgeon	1 Sergeant Major
1 Adjutant	1 Quartermaster Sergeant
1 Quartermaster	1 Drum Major and Field Major

Each Battalion to be composed of 9 companies, viz: eight companies each to be marshalled by: 1 Captain, 2 Lieutenants, 1 Ensign, 4 Sergeants, 3 Corporals, 1 Drummer, 1 Fife and 66 Privates: the ninth or Rifle Company to consist of: 1 Captain, 3 Lieutenants, 4 Sergeants, 4 Corporals, 1 Drummer, 1 Fife and 80 Privates.

It was further ordered: That the Committee of Inspection and Observation, in each County, wherein a whole Battalion is to be raised, shall nominate and appoint the Field and other Officers to command such Battalion; also recommended that each Private have advanced 50 shillings being the first month's pay.

Another Resolution reads

That the Militia be engaged to the 1st of December, next, unless discharged sooner by Congress; that the pay of the militia commence from the day of their marching from home and that they be allowed one penny a mile, lawful money, in lieu of rations, for traveling expenses and one day's pay for every 20 miles between home and the general rendez-vous going and returning.

The Conference having assumed undesignated authority in this great need of General Washington's for troops, the following address was sent the "Associators of Pennsylvania."

Gentlemen:

The only design of our meeting was to put an end to our own power in the Province, by fixing upon a plan for calling a Convention to form a Government under the authority of the People. But the sudden and unexpected separation (adjournment) of the late Assembly has compelled us to undertake the execution of a Resolve of Congress for calling forth 4500 of the militia of the Province to join the militia of the neighboring Colonies, to form a camp for our immediate protection. We presume only to recommend the plan we have formed for you, trusting, that in case of so much consequence, your love of virtue and great zeal for liberty will supply the want of authority delegated to us expressly for that purpose.

We need not remind you that you are now furnished with new motives to animate and support your courage. You are not about

to contend against the Power of Great Britain in order to displace one set of villians, to make room for another. Your arms will not be enervated in the day of battle, with the reflection that you are about to risk your lives, or shed your blood for a British tyrant, or that your posterity will have your work to do over again. You are about to contend for permanent freedom, to be supported by a Government which will be derived from yourselves and which will have for its object, not the emolument of one man, or class of men only, but the safety, liberty and happiness of every individual in the community.

We call upon you therefore, by the respect and obedience which are due the authority of the United Colonies to concur in this important measure.

The present campaign will probably decide the fate of America. It is now in your power to immortalize your names, by mingling your achievements with the events of the year 1776, a year, we hope will be famed in the Annals of History to the end of time for establishing upon a solid foundation the liberties of one quarter of the globe.

Remember the honor of your Colony is at stake. Should you desert the common cause, at this present juncture, the glory you have acquired by your former exertions of strength and virtue will be tarnished and our friends and brethern who are now acquiring laurels in the most remote parts of America will reproach us and blush to own themselves natives or inhabitants of Pennsylvania.

But there are other motives before you,—your houses, your fields, the legacies of your ancestors, the dear-bought fruits of your own industry and your liberty, now urge you to the field. These cannot plead with you in vain, or we might point out to you further your aged fathers and mothers who now look up to you for aid and hope for salvation in this day of calamity only from the instrumentality of your swords.

Remember the name of Pennsylvania—think of your ancestors and of your posterity.

Signed by the unanimous order of the Conference.

Thos. McKean, President.

On the same Sunday, June 23, it was:

Resolved, that the Chairman, Dr. Rush and Colonel Smith be a Committee to draft a Resolution, declaring the sense of the Conference with respect to an Independence of the Province from the Crown of Great Britain, and to report tomorrow morning.

Therefore:

The CONFERENCE met on JUNE 24, 1776, P.M. and the COMMITTEE appointed for that purpose, brought in a draft of a DECLARATION on the SUBJECT of the INDEPENDENCE of this

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COLONY of the CROWN OF GREAT BRITAIN which was ordered to be read ; by SPECIAL ORDER, the same was read a SECOND time and being fully considered, then it was with the greatest UNANIMITY of all the MEMBERS agreed to and is in the words following—viz:—

WHEREAS: GEORGE THE III, KING OF GREAT BRITAIN, in violation of the principals of the BRITISH CONSTITUTION and the LAWS OF JUSTICE and HUMANITY, hath, by an ACCUMULATION of OPPRESSIONS unparalled in history, excluded the INHABITANTS of THIS and other AMERICAN COLONIES from his protection; and WHEREAS, HE hath paid no regards to any of our numerous and dutiful petitions for a redress of our complicated grievances, but hath lately purchased FOREIGN TROOPS, to assist in enslaving us and hath excited the savages of this country to carry on a war against us, as also the negroes to embrue their hands in the blood of their masters, in a manner unpractised by CIVILIZED NATIONS and has lately insulted our calamities, by declaring that he will shew no mercy until he has reduced us: and WHEREAS the OBLIGATIONS of ALLEGIANCE (being reciprocate between a KING and his SUBJECT) are now dissolved, on the side of the COLONISTS, by the despotism of the said KING, inasmuch that it now appears that LOYALTY to him is TREASON against the GOOD PEOPLE of this COUNTRY and WHEREAS not only the PARLIAMENT, but there is reason to believe too many of the PEOPLE OF GREAT BRITAIN have concurred in the aforesaid ARBITRARY and unjust PROCEEDINGS against us; and WHEREAS the PUBLIC VIRTUE of this COLONY (so essential to the liberty and happiness) must be endangered by a future political union with or independence upon a CROWN and NATION so lost to JUSTICE, PATRIOTISM and MAGNANIMITY, WE, the DEPUTIES of the PEOPLE of PA., assembled in full PROVINCIAL CONFERENCE, for forming a plan for executing the RESOLVE OF CONGRESS OF THE 15th OF MAY LST, for suppressing all authority in this PROVINCE, derived from the CROWN OF GREAT BRITAIN and for establishing a GOVERNMENT upon the AUTHORITY of the PEOPLE only, now in this public manner in behalf of ourselves and with the APPROBATION, CONSENT and AUTHORITY of our CONSTITUENTS unanimously declare our willingness to concur in a VOTE of the CONGRESS declaring the UNITED COLONIES FREE and INDEPENDENT STATES: PROVIDED, the forming the GOVERNMENT and the REGULATIONS of the INTERNAL POLICE of this COLONY be always preserved to the PEOPLE of said COLONY; and we do further call upon the NATIONS OF EUROPE and appeal to the GREAT ARBITER and GOVERNOR of the EMPIRES OF THE WORLD, to witness for us that this DECLARATION did not originate in ambition or in an impatience of lawful authority but that we were driven to it in obedience to the first principles of nature, by the oppressions and cruelties of the AFORESAID KING and PARLIAMENT of GREAT BRITAIN as the only possible

measure that was left us to preserve and establish our LIBERTIES and to transmit them inviolate to POSTERITY.

ORDERED:—that this DECLARATION be signed by all at the table, and that the PRESIDENT deliver it in CONGRESS.

The Journals of Congress of June 25, 1776 record the receipt of the Pennsylvania Conference communication as follows:

A Declaration of the Deputies of Pennsylvania met in Provincial Conference, was presented to Congress, and read: expressing their willingness to concur in a vote of Congress, declaring the United Colonies free and Independent States.

The business of the Pennsylvania Provincial Conference having been completed, on June 25, the delegates returned to their homes; some to raise and command troops, others to become delegates to the Constitutional Convention, and all to take their places in the struggle that was before them. They had the satisfaction that comes with work well done. Many matters of lesser importance than those here mentioned were discussed and acted upon, during the seven days meeting, but the three outstanding ones should never be forgotten.

The purpose of the Conference, the provision for an orderly overthrow of the Government under the Provincial Charter, and the call of a convention to draw up and adopt a Constitution under authority of the people was less sensational than the other two, but of equal importance.

The assumption of authority to call into being a militia force of 4500 additional troops was an emergency necessity and the patriotic appeal that accompanied it, brought the desired response. Berks County enlisted a whole Company in excess of its quota of 666 and several of the delegates from that district not only were instrumental in this enlistment success, but equipped and led their fellow-citizens in the ensuing campaign. Dr. Bodo Otto, though sixty-five years of

age, accompanied his friends and neighbors as their surgeon and recorded that he lost his medical chest in the hasty retreat from Long Island.

The Provincial Declaration of Independence, passed in the Pennsylvania Convention, anticipated that of the Continental Congress by nine days and showed a courage quite equal to that of the "Signers." Aside from being a true expression of the opinion and desire of the Pennsylvania people, it may have been passed as a warning to the Pennsylvania delegates in Congress, the majority of whom, at that time, were still opposed to the proposed Congressional Declaration. It should be here recorded however, as a matter of justice, that there were no greater patriots in the Colonies than the individual men who represented Pennsylvania. Their opposition could in no manner be considered an act of disloyalty to the Colonies. It was partly based on reasons that have already been recited and when they found their efforts to postpone action were of no avail, an affirmative vote was cast for Pennsylvania. It might be noted however that with the exception of Robert Morris, none of the Pennsylvania delegates who had originally opposed the separation from Great Britain were returned to Congress by vote of the people.

In the interval between June 7 and July 4, however, Pennsylvania voted in the negative and several other Colonies withheld their approval. New Jersey withdrew her delegates who were opposed and sent others who were favorable. Maryland also changed her vote, while New York delegates awaited a change of instructions, as likewise did South Carolina.

On June 25, Elbridge Gerry wrote to James Warren :

Since my arrival in this City, [Philadelphia] the New England Delegates have been in continual wars with the advocates of Proprietary interests in Congress and this [Pennsylvania] Colony.

These are they who are most in the way of the measure we have proposed, but I think the contest is pretty nearly at an end and am persuaded the People of this and the Middle Colonies have a clear view of their interests and will use their endeavor to eradicate the ministerial influence of Governors and Proprietors and Jacobites.

Under date of July 1, Frances Lightfoot Lee wrote to his brother, Richard Henry Lee, who had been called home by sickness in his family:

Dear Brother:

This day the resolve for Independency was considered and agreed to, in Committee of the whole. Two dissentients—South Carolina and Pennsylvania—New York did not vote not being empowered, and tomorrow it will pass the House with the concurrence of South Carolina. The Pennsylvania delegates indulge their vain wishes though they acknowledge what indeed every body knows, that they vote contrary to the earnest desire of the People.

. . . All the Colonies have declared their sense except New York, whose new Convention, now chosen, is to do the business.

John Adams wrote to Samuel Chase on July 1:

A colony desired it (the vote) be postponed until tomorrow. Then it will pass by a great majority; perhaps with almost unanimity, yet I cannot promise this because one or two gentlemen may possibly be found who will vote point blank against the known and declared sense of their constituents.

Delaware had three delegates and in the absence of Caesar Rodney, the vote of that State stood as a tie, so could not be cast, but Rodney arrived in time to record his vote in the affirmative so Delaware's vote was duly entered for the Declaration. Thomas McKean, in 1796, wrote of the voting on July 1, 1776, and said John Dickinson, Robert Morris, Charles Humphries and Thomas Willing voted in the negative while Benjamin Franklin, John Morton, and James Wilson in the affirmative, and that on July 4, Dickinson and Morris requested permission of the House to absent themselves to attend to private business and were excused, so the majority of the Pennsylvania delegates then

present, having agreed, Pennsylvania was duly recorded as being in favor of the Declaration of Independence, which was then passed without one dissenting Colony. Benjamin Franklin is credited with suggesting the leave of absence for the two Pennsylvania opposing delegates, persuading them that it was the graceful way of giving up the fight and possibly reminding them that the Colony by representatives had already adopted a Declaration of Independence and a persistent refusal on their part to bow to the will of the people would only mean postponement of Pennsylvania's signature for new delegates would soon be elected. John Adams recorded that some members, who foresaw the point would be carried, left the House and went home to avoid voting.

A story of another Declaration of Independence, made by a number of Pennsylvania men, can also be told, for by a strange coincidence, nine pioneer settlers in the furthestmost part of the Province, some two hundred miles from Philadelphia, met on July 4, 1776, the same day as the final action of the Continental Congress, and declared themselves free from all allegiance or obligation to the King of Great Britain. The reason for this action is an interesting narrative.

In the Indian treaty of 1768, by which additional land was acquired for the Province, the furthestmost boundary mentioned in the agreement was Tradaghton creek. Shortly afterwards, a dispute arose with the Indians as to whether this creek was what is now known as "Lycoming" or "Pine", some ten miles beyond. The Indians, in 1784, finally admitted that Pine creek was the one intended, but in the sixteen years interval, the jurisdiction over the uncertain area had not been assumed by the Provincial Assembly or Courts. Meanwhile many settlers had moved in and the necessity for law and order developed an organization known as the "Fair Play Plan," with three

elected Commissioners conceded judicial authority in all cases of disputes or questions of government. The spirit of patriotism ran high among the majority of this small group and when rumors of the Continental Congress' contemplated declaration of separation from England reached them, the leading "Fair Play Men" of the neighborhood met, under an old Elm tree, which still stands, on the Bank of Pine creek, where it flows into the west branch of the Susquehanna river in Lycoming County. After a free discussion and a number of patriotic speeches, Thomas Francis, John Clark, Alexander Donaldson, John Jackson, Adam Corson, Henry McCracken, Adam DeWitt, Robert Love and Hugh Nichols drew up and passed a resolution absolving themselves from all allegiance to Great Britain and declaring all henceforth free and independent.

So in spite of the fact that the most hard-fought opposition to the Continental Declaration of Independence came from the delegates of the Pennsylvania Colony, it can easily be proven that they did not express or represent the sentiment or wishes of the people of the Province.