The Stamp Act and Its Consequences

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THE STAMP ACT AND ITS CONSEQUENCES

by

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LIFE OF AUTHOR

Clement H. Metzger was born in Shelby, Ohio, on June 26, 1934. After graduating from Campion High School, Prairie du Chien, Wisconsin in May, 1952, he entered the Society of Jesus at Sacred Heart Novitiate, Milford, Ohio, on September 1, 1952.

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CHAPTER I

THE BACKGROUND FOR THE STAMP ACT

The year 1763 rightly marks the great turning point in the history of America's relation with the Mother country because of the new conditions created by the Peace of Paris following the Seven Years' War. After this important treaty England was in possession of an "empire," and not just a group of independent colonies scattered throughout the world. In North America, England was dominant. France, her traditional rival, had been stripped of all her colonial possessions in America. Through the Peace of Paris England acquired "the French province of Canada and the Spanish dominion of Florida, and an undisputed title to the western lands as far as the Mississippi, with the exception of New Orleans." The burden of the Seven Years' War had been successfully carried by her people but the price of victory was costly. With the grandeur of success came a complexity of difficulties and problems for which there were no immediate and

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and simple solutions, and while England groped for new ways to govern and protect her vast new possessions in America she would lose all that she had gained and even more.

Prior to 1763 England's interest in American colonies was in terms of commerce and trade. Colonial problems were solved by the mercantile theory which aimed at enriching the mother country at the expense of the colonies. Under this system the primary concern of the British colonial policy was to regulate and channel the political and economic life of the colonies, by subordinating it to the interests of the mother country. From the middle of the seventeenth century the administrative system of the British government had "only a commercial and not a colonial end in view." England's guiding principle with respect to her colonies aimed at control of trade and commerce in an effort to keep colonial trade exclusively to herself. Despite the numerous means and measures adopted by the British government, the colonies managed to retain their self-government and to strengthen it.

Mercantilism, while on the up-swing previous to 1763, was never in complete control. Evidence demonstrates "the futility of the mercantilist ideal as applied to the colonies and the


frequency with which the merchant and planter-capitalists suffered defeat at the hands of parliament on one side and of the colonists on the other." Although in theory mercantilism had clearly defined objectives, in practice it was very complex. In the long run enforcement of these objectives and aims would be impossible. "How to hold a group of colonies, increasing in number and growing in strength, wealth, and population, in a state of political dependence was a problem that the authorities in England were always attempting to solve but they never succeeded effectively in doing so." A series of measures were taken to remedy what the British considered to be defects in the administration of the colonies and a serious effort was made to tighten reins on a spirit of self-government that was growing strong in the colonies. In 1764 Parliament passed the Sugar Bill and currency Act and a year later the Stamp Act. These and other acts to follow represent "a drawing together more vigorously than ever before of the British bonds of control, in the interest particularly of the revenue, at a time when the colonies themselves were feeling the urge for greater freedom and an over-mastering determination to govern themselves; and they show an equal determina-


tion on the part of the British government to enforce at any cost and by every means in its power the dependence of the colonies upon the authority of crown and parliament. 7

The mercantile system had been the formula for all the difficulties in connection with the colonies, which meant that the British government policy was determined by the economic theory that colonies were not worth while unless they could bring gold into the home country. 8 With the acquisition of this new territory in America through the Peace of Paris in 1763 came the problem of administration and support. Territorial imperialism was the new issue that had emerged to perplex the souls of British statesmen. 9 Even at the time of the Paris Peace Treaty, some more practical minded Englishmen expressed the conviction that the Mississippi Valley would be more of a burden to England because it would bring in no immediate profits—a situation which was so contrary to the principle of mercantilism. Still a change of policy was needed. The old, workable theory of mercantilism which had proved so beneficial in the past, must give way to a new, untried policy of colonial imperialism. The two policies had little in common for whereas mercantilism demanded immediate profits, imperialism was a

7 Ibid., p. 271.
8 Van Tyne, Causes of the War, p. 60.
9 Andrews, Colonial Background, p. 123.
long range project which in future years would provide an outlet for British trade. In the meantime, the support for the organization and protection of this empire would require other sources of revenue.

England had succeeded in winning the war but she did not succeed in paying for it. The war debt was staggering; the burden of taxation high and crushing. At the end of the war an estimation of the public debt in the colonies was eighteen shillings per person while in Great Britain it was eighteen pounds per person. ¹⁰ On top of this British officials could rightly point an accusing finger at the widespread smuggling so successfully carried on by colonial merchants. In America the long laxity in enforcing the Molasses Act of 1733 made smuggling the rule rather than the exception. ¹¹ The colonists accepted smuggling as a normal practice so that there was no unfavorable distinction between the merchant and the smuggler. For example, John Hancock was no less respected for his illegal trade practices even though he made a handy fortune from it. ¹² This abuse provided an outlet for introducing and putting into operation England's new imperial program. But as


¹² Van Tyne, p. 132.
we shall see, every attempt by British statesmen to defray the expense of the newly acquired territories by colonial taxation brought havoc into the British-colonial relationship because the Americans were thinking in terms of the old mercantile system and not in terms of this new imperial policy. Later this was born out by the fact that the colonists insisted they were not objecting to imperial control and regulation of trade but rather to the new sources of income demanded of them, namely taxation. Colonial demand for a return to conditions as they existed before 1764 show that "imperialism and not mercantilism was the first cause of the rupture."13

Following the Seven Years' War it is well to note that while England was suffering financial distress, Americans were enjoying a war-time prosperity. The luxuries of life, formerly limited to a few, now became more accessible to the general public. While the colonists were enriching themselves on this artificial prosperity, the London Chronicle reported the hard times at home. "The colonies are in a flourishing condition, increasing every day in riches, people and territory. Britain is exhausted; she is manifestly sinking under oppressive and insupportable burdens."14

13 Andrews, Colonial Background, p. 129

British taxpayers, more and more disgruntled with their extreme
taxes and the comparatively little paid by the colonies, demanded
 economy and reform. Added to this was the further expense of
supporting ten thousand troops stationed in America to support and
protect the colonies. Who would pay the bill for maintaining this
standing army which the colonies felt they did not need but which
the British thought was necessary?

It was at this time and under these conditions that George
Grenville came to power at the reluctant request of King George III.
Immediately Grenville centered his attention on the financial prob-
lem and undertook measures to balance the British budget. A new
fiscal policy was urgently needed to relieve the British of their
crushing burden. The mercantile system, which had fallen into
neglect and abuse, would have to be revived and re-enforced if
money was to flow into the British treasury. Upon George Grenville
fell the distasteful responsibility of making administrative
changes and of introducing England's new policy aimed at obtaining
the much needed revenue.

Accordingly, Grenville appeared before the House of Commons
in 1764 to propose the Sugar Bill, or Revenue Act as it is also
called, as part of the general plan to rake in money from the
colonies. The Sugar Act had a double purpose: to make perpetual
the easily evaded Molasses Act of 1733, and to strengthen the customs service and the trials after seizures in the colonial Vice-admiralty courts under the Navigation Act of 1673. In short, it brought about "a sweeping reform of colonial customs, procedures and of the methods of trying cases of violation." Shielding himself under the cover of re-enforcing the mercantile system, Grenville clearly intended the Sugar Act to be a source of revenue. The preamble to the act affirms this intention. "It is just and necessary that a revenue be raised in your Majesty's said dominions in America for defraying the expenses of defending, protecting, and securing the same..." As passed by Parliament, the Sugar Act combines a blending of purposes. It served as a regulation of trade and also as a tax upon the colonists. The chief item of the bill called for a reduction of the molasses duty from six to three pence which was designed to benefit British trade and the treasury.

Even though the tax on molasses was reduced, still some of the colonists, principally the merchants, were disturbed at the determination of the British government to urge this tax. However, opposition was neither serious nor widespread, which must have pleased

15 Merrill Jensen in his introduction to the Sugar Act as printed in the English Historical Documents, IX, American Colonial Documents to 1776, p. 643.

Grenville that the first step of his important fiscal policy caused only a slight disturbance in the colonies. The Southern merchants, who were not in the rum business, were not touched by this act. Probably the majority of Americans did not realize the Sugar Act introduced a departure from the long standing British policy of regulating colonial trade. Concealed as a tax on trade, the Sugar Act was not discovered to be an innovation and consequently easily it escaped colonial attention.

Yet there were such men as Sam Adams and John Hancock who voiced their stern disapproval to the act on the ground that Parliament was overstepping its authority. Colonial opposition to the Sugar Act was largely a sectional matter since this act touched only the commercial provinces. The colonial merchants in the North objected loudest against the new molasses duties which some felt would effect economic strangulation of the source of their supplies. Without a doubt the merchants and distillers suffered a set-back. Lest their lucrative profits dwindle away, the Boston merchants made a feeble effort to organize themselves into the "Society for encouraging Trade and Commerce within the Province of Massachusetts Bay." Their intention was to urge, and if necessary to force the

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17 John C. Miller, Sam Adams: Pioneer in Propaganda, (Boston, 1936), p. 44.

General Court of Massachusetts to petition Parliament for a revision of the Act, especially those items dealing with the tax and trade in molasses and sugar. Merchants in New York and Philadelphia soon followed the example of the Boston merchants but the effect was not significant enough to alarm those accustomed to colonial protest and complaint. The sugar Act was opposed on a twofold score: it hampered trade and it was an unconstitutional tax levied by Parliament. This latter reason was not stressed except by a few of the more educated colonists. At the time the colonists chose to consider the Sugar Act as a regulation of trade rather than a revenue measure.

Even as a regulatory measure imposed on trade, the colonists urged the inexpediency and injustice of the Sugar Act. They pointed out that it "loaded their commerce with so many devices for preventing illegal trade and increasing revenue, and granted such an extension of power to the customs officials, the vice-admiralty courts, and the officers of the navy in American waters as to cripple colonial trade and in the end destroy rather than relieve it." Petitions were sent to Parliament recounting the injuries inflicted upon trade, but since these complaints were either individual or

19 Ibid., p. 60.
21 Andrews, Colonial Background, pp. 132-133.
provincial in scope, they failed to convince the British government that undue restrictions had fallen upon the colonies.

Thus the first attempt by Grenville to secure revenue to meet the high cost of protecting England's new possessions in America by taxing colonial trade passed without much difficulty. In an effort to make the tax as painless as possible, Grenville made use of the already existing source of income, that of colonial trade. By reviving the mercantile program he sought to obtain financial cooperation from America without arousing serious opposition. If Grenville had made genuine efforts to search out colonial reaction to this new policy, he would have found ample material for consideration, reflection, and hesitation. At least on the surface his first experiment hardly seemed to ruffle the colonial atmosphere. As one historian has written: "Whether or not the terms of that law were economically workable, the English government by stupidly ordering the enforcement of the old and prohibitive act, and by unnecessarily threatening to destroy the whole foundation of New England commerce, had created the worst possible atmosphere for the consideration of their new measure." Nevertheless, Grenville would proceed in his fiscal policy chiefly intended to gather funds from the colonies to meet the expenses necessary for the defense of the colonies. But the amount of revenue from the Sugar Act was inadequate which meant

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that Grenville had to look elsewhere for funds. The next step in his program opened up a "new financial experiment in a colonial field hitherto untouched— that of direct taxation." In 1764 when Parliament passed the Sugar Act, Grenville hinted that a stamp tax would be forthcoming but it must be delayed until the following session of Parliament. The reasons for this delay, the meaning of the Stamp Act and the various classes of Americans most affected by it will be the subject of the following chapter.

Andrews, Colonial Background, p. 133.
CHAPTER II

THE STAMP ACT

The first step in tightening the administrative grip on the colonies through the Sugar Act was a successful beginning but not rewarding enough to bring substantial relief to the bankruptcy that threatened England. Grenville was convinced that the colonies could and should contribute more to their own defense which the British government was so graciously offering. In order to bring in a more substantial sum from the colonies another measure, in the form of a direct tax, would have to be introduced and put into effect. Grenville hinted at this new tax a year in advance before Parliament was asked to pass the Stamp Act. This action of Grenville is a bit puzzling. Why did he announce a tax measure before he was prepared to put it into execution? Why postpone the immediate passage of the Stamp Act? Unfortunately Grenville left no answer to this planned postponement but we can infer his motives from his own actions and from contemporary writings of other men. Grenville's own speech before Parliament has not been preserved.1

From the information that can be gathered from Grenville's actions and the speeches of his contemporaries, one quickly con-

concludes that Grenville was proceeding slowly and cautiously as if he sensed danger in his new adventure. Evidently Grenville knew he was breaking the traditional British policy of colonial government and that to introduce a direct tax measure for the colonies might not go over well. Prudence warned him to move with care. In order to sound out colonial reaction there would be no better way than using a delayed-action proposal. In attempting to explain the underlying motive for Grenville's hesitation in having Parliament pass the Stamp Act, some have suggested that the ministry "possessed inadequate information concerning the application of a stamp act in America," and therefore must wait until that information could be supplied. While this is undoubtedly correct, still the explanation is insufficient to explain all of Grenville's actions. While testing the reaction both of Parliament and of the colonies, one of the main reasons for the delay seems to have been an honest willingness on Grenville's part to consider objections or alternate proposals from the colonies. Hence the postponement was more for the benefit of the colonies than the British government since it offered them a chance to advance some other means of raising a revenue if the stamp tax was too distasteful.

Even though Grenville gave the colonies time for consideration, still he made it clear that he would not consider any ob-

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jections that would question the authority of Parliament to tax the colonies. On this point he would stand firm. A tax was necessary, and if the colonial agents would like to suggest another type of tax, that would satisfy him. Revenue was his chief concern and not the method of raising it. One historian interprets the year's postponement as an opportunity given to the colonies "to consent to the Stamp Act and thereby keep intact the principle of no taxation without consent." Perhaps it was his intention to raise a revenue in the most expeditious and least burdensome manner possible without giving the impression that England had any intention of undermining colonial liberties.

At all events a tax must be levied on the colonies, and Parliament had the right and authority to do so. This was Grenville's unchanging position. In a letter from a colonial agent, Cecilius Calvert, to Governor Horatia Sharpe of Maryland, this attitude of Grenville is expressed for the writer states that the Stamp Act was delayed in order "to apprise the Colonies if any they have (may) make objections, only given I am told pro forma tantum, before it is fixed next year, which the Agents are to expect unless very good reasons are produced to the House per contra." The testimony of

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Ibid.

other colonial agents then in England seems to indicate that Grenville desired the colonies to propose some other way of raising a tax for revenue. Grenville used the delayed tactics in pushing through the Stamp Act "partly because he did not at the time have enough information to frame it and partly because he hoped to gain the good will of the colonies by offering them a voice in the matter."7

To show his good will Grenville consented to hold a special meeting with the colonial agents who had been pressing him for more information and details as to the amount of money he wished them to raise. Grenville had left this matter vague so that the agents were a bit confused as to their next step. Only when they inquired more fully into the whole scheme did it become clear what Grenville's mind on the matter really was. At this meeting he bluntly told them that it would be inexpedient to let the colonies tax themselves even though earlier he had expressed this permission by saying: "If the colonies prefer some other tax, let them signify."8 To Franklin's proposal that the requisition system be followed, Grenville simply asked if the colonies "could ever agree upon the several proportions each should raise." Furthermore,

8 Van Tyne, Causes of the War of Independence, p. 141.
what assurance could the colonial agent offer that each colony would raise the sum pledged? It must be admitted that the requisition system of imperial finance simply was not feasible.9 Having dismissed the idea of colonial self-taxation, Grenville advised the agents to assent in advance to a tax from Parliament as if to imply they should quietly start a precedent that could be peacefully followed in the future. In effect, he was asking the colonies to give up a cherished right which they had exercised and jealously guarded in the past. Perhaps it was "an affront to the political maturity of the colonial assemblies."10

Unfortunately Grenville had made his position ambiguous when he stated that any alternatives to the stamp tax proposed by the colonists might be acceptable. When the colonial agents acted on his offer, Grenville evidently was taken back "since it is clear that he had no expectation or desire that the Colonists would tax themselves for the imperial government."11 Carefully he had to withdraw his "offer" on the pretext that it would be impracticable for the colonies to tax themselves and impossible for them to cooperate in a plan of self-taxation. His further recommendation that the agents consent to the Stamp Act placed him in an extremely awkward position. The conference with the colonial agents

convinced him that any expression of free colonial consent to the Stamp Act was asking too much. Nevertheless he must stick to his plan since he "stood pledged to the House on the issue of an American revenue. There was no question of abandoning his plan. If the Colonies would not express their consent, then they would have to bow to an omnipotent Parliament. The question of the right of Parliament to tax the colonies did not exist for Grenville."12 Intent on a revenue, he was likewise intent on the way in which he would acquire it.

If previously Grenville had been uncertain of colonial reaction to a tax, he could certainly have secured this information from the numerous protests that poured in from the colonies when the news of the impending stamp tax reached America. The theme of colonial objections centered on the constitutional right of taxation rather than the offering of any suggestions of different ways for collecting revenue from the colonies. At least seven of the colonies sent petitions to their agents in England. "These messages and petitions varied considerably in tone: some emphasized the economic distress of the colonies, some the willingness of the colonies to contribute to the British Treasury if requested to do so in a regular constitutional manner, but none admitted that Parliament had a right to levy the proposed tax and most of

12 Ibid., p. 25
them asserted vigorously that Parliament had no such right. ¹³

In short, the colonists would not stand by idle while money was taken from their pockets to fill the British treasury. Allowing Parliament the right to levy direct taxes over them was certainly a dangerous concession and one which they would nullify right from the very beginning. To permit it in just this one case would be to admit that Parliament has a power that could never be checked by the colonists themselves. An uncontrollable right to tax the American colonies was unthinkable.

Brushing aside the colonial protests, Grenville proceeded with conviction and determination to carry out his previous announcement. Appearing before Parliament with the proposed stamp measure, it was easy for Grenville to convince members of that body of the utility of this simple revenue measure. The tax would be collected with the minimum of men since a few stamp distributors would be sufficient to carry out the task. Furthermore, it was only reasonable that the colonies should be made to contribute to their own protection by helping to pay the expense of British troops. Actually Grenville had little to fear from the members of Parliament for it would certainly be a strange group of men who would stand up and object to their own power of taxation over the colonies. To speak out against the Stamp Act was practically the same as denying the

authority of Parliament to tax her colonies and naturally there were few who were willing to do this. Grenville, feeling confident of firm support from Parliament, could ignore for all practical purposes the indignant reports from the colonies. Neither nor the colonial agents then in London could have any idea what a storm was brewing and about to break in the colonies.

Some have interpreted the action of Grenville as rash and imprudent but actually the conditions in England left Grenville no choice other than to push through this measure. The critical financial situation at home demanded this drastic action. His only source of help was the British colonies across the sea. Considered in the light of the pressing and urgent conditions in England, the policy of Grenville was a sincere attempt to bring England out of heavy debt and put her on a peace-time normalcy. Certainly he had sound reasons for the way he acted, and he always felt the law was on his side. What rights and power Parliament possessed and exercised in the past should and could hold true for the present. "In justice to him, it should be pointed out that he was capable of something few men in his age had the vision to appreciate; he could think in terms of imperial welfare." Against him it must be said that oftentimes his information on

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14 Morgan, *Stamp Act Crisis*, p. 54.

colonial financial situations was incomplete, inaccurate, and inadequate, which tended to underestimate the real difficulty involved.

It was unfortunate for Grenville that he ran into a strong, growing colonial sense of self-government of which he, like the majority of his contemporaries, took little notice. His goal was fixed and firmly outlined in his mind—to lighten the burden of the English taxpayers and to procure funds for imperial defense. In the mind of Grenville there was no other means to this end than to tax the subjects of His Majesty. Despite the open warning from Jared Ingersoll, colonial agent from Connecticut, that a stamp tax "will be for ever inconvenient; 'twill for ever be dangerous to America, that they should be taxed by the Authority of a British Parliament," Grenville was forced to carry out his plan.\(^\text{16}\) The colonial cause, while meriting consideration, was easily subordinated to the need of revenue as the emergency of the time demanded. The year of postponement had elapsed and it was time for the new session of Parliament to convene.

When the proposed Stamp Act came before the House of Commons, there was little doubt that it would be readily acceptable. On February 6, 1765 the first debate took place to thrash out any difficulties before passing the bill. The principle issue at stake was the supreme authority of Parliament to tax her colonies, and

\(^{16}\) Ingersoll Stamp Act Correspondence, p. 26, cited by Gipson, Jared Ingersoll, p. 130.
few there were who dared object to this untouchable right. In Jared Ingersoll's account of the debate on the Stamp Act, on February 11, 1765, to Governor Thomas Pitch of Connecticut, he mentions that on his arrival in England the point of the authority of Parliament to impose taxes "was so fully and universally yielded that there was not the least hopes of making any impressions that way. Indeed it has appeared since that the House would not suffer any petition from the colonies that held for the contrary of that doctrine." The House of Commons, it was urged, is part of the unlimited power of British Parliament—which acts as the supreme legislature of the nation in making laws and passing regulations for all those subjects belonging to the British empire. This, in short, was the core of their argument.

The little opposition that was voiced came from but a couple of the more bold members of the House. Arguments against the bill were urged by Colonel Issac Barré, Richard Jackson, and William Meredith. Particular mention should be made of Barré's inflammatory speech which temporarily disturbed the minds of those present. His words took the form of a threat to the British government as he stressed the drastic consequences that would follow should this act be passed. A veteran of the French and Indian War,

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18 Ibid., p. 651.
familiar with the American way of life and a staunch supporter of the colonies, Barre reminded the House that a new spirit of freedom was alive and growing fast in America, and that any attempt to tangle with colonial liberties would be a serious mistake. The colonists jealously guard their rights and would "vindicate them if ever they should be violated." Barre won deep respect from the Americans when he referred to them as the "Sons of Liberty,"—an epithet which would later be adopted by numerous patriotic groups intent on preserving the liberty of the colonies.19

Richard Jackson, a close friend of Barre, also spoke in defense of the colonies. While admitting Parliament could exercise universal and unlimited legislation over the British dominions, still it should set definite bounds to that liberty; otherwise "the liberties of America, I do not say will be lost, but will be in danger; and they cannot be injured without danger to the liberties of Great Britain."20 Despite the warning voiced by these few opponents, the response of the House was overwhelmingly in favor of the Stamp Act.21

A second reading was scheduled for February 15, when petitions from the various colonial legislatures were to come up for Parlia-

19 Ibid., p. 653.


21 American Colonial Documents to 1776, p. 654.
mentary consideration, but these were of no avail since Parliament refused to consider protests against revenue bills. In effect the colonial agitation against parliamentary taxation only served to stiffen Parliament's determination to assert its own right to tax her colonies. The test had come for the exercise of this power, and she would not be deterred. According to Charles Grath, agent from South Carolina, who was himself present at the debates and readings of the Stamp Act, "the power of Parliament was asserted and so universally agreed to, that no petition disputing it will be received." The matter was closed and any petition from the colonies questioning the supremacy and right of Parliamentary taxation could be dismissed without further consideration. The testimony of Jared Ingersoll affirms the near universal agreement in regard to the measure under consideration. Except for a few gentlemen interested in the West Indies and a few who happened to be particularly connected with some of the colonies, "there are scarce any People here, Either within Doors or Without, but what approve the Measures now taking with Regard America."23

The pleas of the colonies fell on deaf ears and the Stamp Act passed its second reading without change or revision. Finally on


23 *Ingersoll Stamp Act Correspondence*, p. 22, cited in Gipson, Jared *Ingersoll*, p. 143.
March 22, 1765, the fatal "black-act," as James Parkman called it, was passed by Parliament and signed by King George III. The following November 1 was the date for it to go into effect. When the stamp bill was passed, neither members of Parliament or colonial agents in London anticipated the storm about to break loose in America. From the present vantage point, it is easy to look back and trace step by step the new program launched by Grenville. The Sugar Act, Currency Act, and now the Stamp Act, all seemed devised to get more and more money out of the colonies and to restrict them in some way or other. The Sugar Act blocked the West Indian trade to the colonies which quite naturally irritated the northern merchants. The Currency Bill stipulated that all duties were to be paid in hard cash. And now the Stamp Act was to go into effect within a few months. "Little wonder that the whole plan, benevolent as it doubtless was in purpose, looked to the colonists like a dark design of a would-be tyrant." In order better to understand the cause of the widespread rebellion to the Stamp Act we will now examine what the act specified.

The purpose of the Stamp Act is explicitly stated in the very first paragraph of the bill. It is an act "for granting and apply-


ing certain stamp duties, in the British colonies and plantations in America, towards further defraying the expenses of defending, protecting, and securing the same; and for amending such parts of the several acts of Parliament relating to the trade and revenue of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein contained." Twenty-six Fifty-four paragraphs make up the Stamp Act, and of this number "the first forty-one embraced every paper of a legal character then in use." Dispensing with much of the verbiage accompanying each resolution we will cite a few items calling for a tax and the amount just to give some indication of the tone of the act.

1. Any declaration (complaint), plea (answer), replication, rejoinder, demurrer or other pleading, a stamp duty of three pence.
2. Any special bail, two shillings.
3. Any copy of any petition, bill, etc. in the Court of Chancery, three pence.
4. Any licence for retailing spirituous liquors, a stamp duty of two shillings.
5. Any indenture, lease, conveyance, contract, stipulation, bill of sale, charter party, protest, articles of apprenticeship or covenant (except for the hire of servants, not apprentices) two shillings and six pence.
6. Any bond, deed, letter of attorney, procuration, mortgage, release, or other obligatory instrument, not herein before charged, a stamp duty of two shillings and three pence.
7. For any bill of wares and merchandise to be exported from,


or any pocket or clearance granted within the said colonies, and plantations, a stamp duty of four pence. 28

The last thirteen paragraphs mention various minutiae such as playing cards, dice, almanacs, calendars, and every advertisement printed in newspapers. The Stamp Act covered a wide range of articles subject to tax so that few colonists could escape this piece of legislation. Furthermore, the payment had to be made either in gold or silver—a commodity always scarce in the colonies. Paying the tax in hard cash merely served to deepen and strengthen opposition.

The long list of items mentioned in the Stamp Act made possible a more universal complaint from the colonists. Indeed, one of the important effects of the tax was to raise the plane of controversy from something local and provincial to a wider and more inclusive level. It furnished common ground for union of the northern and southern colonies. Very effectively did the Stamp Act “enlist the planting provinces of the South in swelling the protest already in volume from the northern commercial provinces because of their losses under the Sugar Act.”29 “In view of the later revolutionary movement,” writes Arthur Schlesinger, “it is not too much to say that the Stamp Act derived its chief importance from the fact that it lifted the controversy from the profit-


29 Van Tyne, p. 146.
and-loss considerations of the northern colonists and furnished a common ground on which the planting provinces might join with the commercial provinces in protest. 30

While the Stamp Act touched the majority of people throughout the colonies, three groups especially were affected--the merchants, lawyers, and printers. Unconsciously Grenville was provoking the leaders of the American colonies and enlisting key men in opposition to this new revenue measure. These three groups would furnish the influential men in directing popular agitation since the trade and business of each was legally subject to the use of stamps. 31 Prominent lawyers would step to the forefront to guide colonial thought in striking back at British intervention in colonial affairs. Lawyers would do the thinking, the distinguishing, and the arguing to meet this new threat to colonial liberty and freedom.

In union with the lawyers were the printers. The force of propaganda and the power of the press was felt for the first time in colonial history. Enthusiastic patriots would exercise unusual skill in manipulating public opinion by playing upon the sentiments and emotions of the common people. During the stamp act crisis, the press came into its own as a weapon to educate, mould, and

30 Schlesinger, Colonial Merchants and the American Revolution, p. 65.

31 Ibid., p. 70.
determine public thought.

Finally, to back up the verbal opposition of these two groups, there were the merchants who would provide much of the physical force connected with the resistance to the Stamp Act. Already they had been embittered by the Sugar Act of a year ago, but now, united in common grievance, the merchants would band together in eliminating English goods from this country. Organization among the merchants would play an important part in turning the tide against England and force the repealing of the Stamp Act.

By drawing the most important leaders of American thought and commerce into battle, Grenville was risking his whole plan. Precisely because of the determination of certain lawyers, the bold defiance of newspaper printers, and the persistent forceful opposition of merchants did the colonial agitation grow and become more insistent for repeal. What could hardly have been foreseen was that the Stamp Act controversy placed before the public, men who would become champions of colonial rights and liberties. John Adams, Daniel Dulany, James Otis, Patrick Henry, and John Dickinson stepped into the limelight to assume charge of American affairs. These men would gain recognition at home and abroad because of the challenge they offered to the British government.

Leaders at this time were of the utmost importance because the Stamp Act raised serious problems that could not be dismissed
as easily as Parliament might have wished. For the colonists basic principles were at stake; clarification was needed; colonial rights called for defense. Could the colonies be taxed by British Parliament in which the Americans were not represented? Could they be taxed without their consent? Who was to determine the extent of British legislation over the colonies? Who was to determine whether the Americans needed British defense? These and other questions gave rise to serious thinking among the colonies because for them they involved a fundamental liberty, namely freedom of self-government. While British control had grown lax over the past half century, the colonies became more accustomed to ruling themselves and forming their own policies. As foreign interference was naturally presented, for everyone the Stamp Act controversy was a live issue.

In contrast to past colonial disputes, the present "colonial controversies with the provincial governments were no longer conceived as bickerings with a royal governor abusing his little brief authority, but as a great struggle with the British government over fundamental principles."32 Until this time most of the abuse had been heaped upon the colonial governor who represented the Crown, but now the issue was bigger and deeper, and for the first time the Americans were actually engaged in bitter dispute with the mother

32 Van Tyne, p. 193.
country. That close bond of union and esteem for England had long since cooled, and the colonists no longer considered themselves indebted to her as Barre had warned members of the House. 33 "British politicians presumed too much on a feeling which did not exist, refusing to recognize the unmistakable signs of a nascent American nationalism." 34 The evolution of the colonies into conscious self-government was a fact that had to be accepted. Failure to recognize this new spirit in America was a fault that had heavy consequences. The royal governor of Massachusetts, Governor Bernard, wrote to a friend in London: "It seems that Great Britain and America are got so widely different in their Notions of their relation to one another, that their Connection must be destroyed, if this Question is not determined soon." 35 Diverging lines of thought made reconciliation more and more difficult with each new measure passed by the British Parliament.

Different castes of mind and lines of thought cannot be stressed enough in treating with the stamp act crisis which was the beginning of a far bigger and more important crisis between

33 American Colonial Documents to 1776, p. 653.


the two countries. The Stamp Act, according to one historian, was the "first major impetus given toward the American Revolution."\(^{36}\) Perhaps it would be difficult to show that the reasoned arguments of Dulany, Otis, Hopkins and others had any notable influence on the popular mind,\(^{37}\) but the common man felt that his private rights were being invaded by a foreigner. Again and again the colonists were bombarded by popular slogans such as "no taxation without representation," "rights of man," and "liberty versus slavery,". These became rallying cries for the un-educated even though they could not defend them on legal or constitutional grounds. They knew the Stamp Act threatened their purse and this was sufficient reason for opposition. The observation of Charles Andrews is to the point: "Once let the colonists believe that they were being unjustly treated by laws, whether of their own making or not, which threatened to drain them of what little circulating cash they had, and they were easily persuaded that these laws were not only ill advised but even unconstitutional."\(^{38}\) In the simplest terms, the tax was a threat to colonial prosperity and would also increase the cost of daily living.


\(^{38}\) Ibid., p. 137.
With the colonial leaders providing more and more incentives to stir up the masses, the colonists developed a genuinely defiant attitude toward the British government. Ideas were tossed back and forth; discussed and debated. Each side was taking a firmer and more determined stand; each had a different theory of government; neither side would give in. Irreconcilable views on the rights of subjects and the extent of British power made it clear that a break-up of the empire was in the making and could scarcely be avoided. Clashing interests led both sides to far different conclusions.

The Stamp Act crisis would have far-reaching effects for the people of America. When the controversy faded and the storm cleared, already the groundwork of American government and political theory would be outlined. American principles of government, which had been fought over in the open, assumed more clarity and definiteness. For such a man as Benjamin Franklin, who defended the American case in England, the stamp act controversy and repeal provided an opportunity to formulate "more radical views of the character of American rights."41


Cf. Van Tyne, Causes of the War of Independence, chapter VIII "Conflicting Theories of Representation and Imperial Organization."

If the colonies were to be successful in their struggle for governmental and private rights, there was obvious need for unified action. As we shall see the stamp act crisis effected a cooperation among the colonies which previously had been non-existent. Until this time the colonies were separate, and for all practical purposes, isolated entities, independent and little concerned about the struggles and troubles of neighboring colonies. Provincial thinking and jealous interests were stumbling blocks in the past when any attempt at unity was suggested. The Stamp Act broke down this narrow thinking among the colonies and gave them common cause for union. "The Stamp Act," writes one historian, "swept all the rivulets into one central stream of resistance and revealed that Americans already possessed the prerequisite to united action against the mother country: a common ideology."\textsuperscript{42} Certainly it revealed how far apart the two countries had drifted. Either side found out what the other was thinking and the principles which guided its thought and action. It revealed opposite stands on major issues in government. It revealed the transformation that had come over the colonies whose development was not "bound by statute books or formal parchments." British statesmen were fumbling about for solutions to a complex problem but aided by their own blunderings, they would lose England's possessions on the Ameri-

\textsuperscript{42} Miller, p. 169.
can continent. They struggled in vain to impose the traditional policy of imperial control on the colonies, but "logic and legal precedents would beat in vain against the wall of American convictions, formed as we have seen them formed by frontier experiences in a new land a thousand leagues from Westminster Hall, redolent with the sanctity of law and precedent." 43

The bitter controversy over the stamp tax exposed this divergence in views, principles, and policies. At the time of the crisis very few, if any, were thinking in terms of American independence but, in retrospect, the Stamp Act did ignite the spark that set the colonial mind aflame. Just who were the leaders and exponents of colonial thinking, and the sources of colonial resistance to this odious stamp tax will be the subject of discussion in the following chapter.

43 Van Tyne, p. 223.
CHAPTER III

MOUNTAIN OF COLONIAL PROTEST

MARCH 1765 to NOVEMBER 1765

The power behind the opposition to the Stamp Act from March 1765, when it was passed by Parliament, until the first of November when it was to go into effect, was supplied by the merchants, lawyers, and printers. They agitated, exhorted, and enlisted the common man to bring about an emendation of the Act, if not complete repeal. We now turn our attention to the resistance these three forces built up against the stamp tax legislation.

The new imperialistic policy embarked upon by Grenville became especially distasteful to the merchant class. Re-adjustment of laws and re-enforcement of trade regulations were all part of his scheme for raising revenues. Let it be remembered that during the war the merchants had profitably carried on considerable illegal trade with France much to the displeasure of Great Britain. Given a chance to retaliate, Grenville would put an end to this illicit trade and at the same time have profit accrue to the home treasury, since one of the most significant features of the Sugar Act called for raising a revenue in America. Such a thing as a tax on trade

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1 Schlesinger, Colonial Merchants and the American Revolution, p. 51.
was a radical departure from previous legislation. The regulation of trade and re-enforcement of old commerce laws, while they did strengthen the British hold on the American market and serve also to give England a firmer grip on the colonies, were primarily intended as measures for revenue. "The strained condition of the British finances, and the increased expenditures necessitated by the vast territorial accessions to the Empire, emphasized the urgency of the financial problem." It was quite natural that these administrative reforms should especially hit the merchants.

The merchant class ranked above the average in colonial estimation. Their influence manifested itself from the nature of their trade which was the life line of colonial commerce and prosperity. Even though their business involved unscrupulous illegal transactions, still it was considered a respectable occupation. Smuggling had won favor with a good number of merchants, and so no one was censored for this type of activity. Furthermore, smuggling had been a lucrative business and huge profits were heaped up by this method. It was probably due to the easy evasion of the law that the general attitude of the colonies, especially of the merchants, prior to 1763 toward the laws of trade and navigation was one of sub-


mission. This does not mean there were never any complaints registered against the British government. Rather without too much difficulty acts of Parliament could be ignored and eventually disregarded. Now, under the new enthusiasm of Grenville, times were different.

The impending stamp tax was an obnoxious threat to merchants throughout the colonies because the act singled out commercial documents, such as bills of sales, policies, clerk fees, letters and other notarial acts. Clearly the business interests of the merchants were again subject to attack and likely to be paralyzed under this new tax. The economic burden of the Stamp Act fell upon their shoulders. Previously, only the commercial provinces of the North were affected by the Sugar Bill of 1764, but now there was complaint from all the merchants, for all were equally subject to the law. Previously, dissatisfaction had been mainly sectional since the southern merchants were excluded from the Sugar Act. Following this piece of parliamentary legislation, a weak form of

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Documents of American History, pp. 53-55.

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opposition came from the Boston merchants who formed a society intended to "encourage Trade and commerce within the Province of Massachusetts Bay."7 This was a group effort signed by forty-nine merchants who sincerely tried to convince the authorities in England that "the new acts of revenue and trade were not only a burden to the colonies but a menace to Great Britain herself."8 The New York merchants, aroused by the same grievance, took similar action by calling a meeting to "consider the declining state of trade" and to prepare a report to be sent to Parliament.9 A few other colonies imitated their example and sent petitions to Parliament explaining the dire conditions existing in some localities. Money was extremely scarce, trade was slow, prices were high and debts were increasing. What the merchants needed was unified action to make their grievances felt in England. Until now their opposition failed because it was on an individual basis. If they were to be successful against the restrictions and taxes on their trade, they would have to present a united front.

The Stamp Act was the measure that united the merchants in common opposition against the legislation of Parliament. It provided the northern merchants with an opportunity to enlist southern

8 Ibid., p. 168.
9 Harrington, p. 320.
business men of the same trade in protesting against the Stamp Act as an inexpedient and unconstitutional measure.\textsuperscript{10} Petitions and remonstrances came from the North as well as the South. The Stamp Act had definitely given common cause for complaint and united colonial merchants for the first time.

The most frequent complaint charged that it was impossible to pay this tax since there was not nearly enough money in America to pay the current debts to British merchants. John Hancock declared that if this act was carried into execution, "it will stagnate Trade here, for it is universally determined here never to submit to it, and the principal merchants here will by no means carry on Business under a Stamp."\textsuperscript{11} The commercial correspondence of Hancock during this crisis"sounded a genuine note of despair: and only as an afterthought did he allude, once or twice, to the unconstitutionality of the act."\textsuperscript{12} John Watts, a member of the New York Council, wrote: "I cannot conceive there will be silver or gold enough to carry this Act and the high duties that are laid, through and what shall people then do in a new country where property so frequently changes hands..."\textsuperscript{13} From the reports of the merchants,

\textsuperscript{10} Schlesinger, Colonial Merchants, pp. 62-63.

\textsuperscript{11} Ibid., pp. 66-67.

\textsuperscript{12} Ibid., p. 67.

\textsuperscript{13} Massachusetts Historical Society, Collections, X, 596 cited by Schlesinger, Colonial Merchants p. 68.
one is quickly convinced that their objections were based on real financial distress. "An alarming scarcity of money and consequent stagnation of trade, "was frequently reported and in many areas business held out a gloomy prospect. A New York correspondent wrote that "trade in this part of the world is come to so wretched a pass that you would imagine the plague had been here, the grass growing in most trading streets; and the best traders so far from wanting the assistance of a clerk, rather want employment for themselves."14 It would seem that the stringency of money was genuinely universal from North to South. The same complaints were voiced—trade slow, credit poor, debts unpaid.

Under these conditions the merchants were forced to take drastic action if their business was to survive. The new method of resistance they now employed was a non-importation movement which was a formal agreement signed by merchants in various colonies not to purchase goods from England. This movement was a measure "not of economy but of retaliation and boycott for the express purpose of enforcing a redress of grievances."15

The movement got under way first in New York in October, 1765 just four days before the Stamp Act was to go into effect. The

14 Upscott Collections, II, 289, cited by Harrington, p. 323.

greater majority of merchants signed a compact that none of them would order "any goods from England until the Stamp Act was repealed, that the orders already sent out, and not executed, should be countermanded, with certain exceptions, and they would accept no goods on commission or assist in the sale of any sent there." Nearly two hundred merchants affixed their signatures to this important agreement which also encouraged the colonists to avoid the use of superfluities such as silks, furs, laces, velvets, and other non-essentials. "Save your money and you can save your country," was the popular cry being spread over the colonies. One result was a sharp increase in domestic weaving and manufacturing. People were encouraged to wear colonial-made clothing. When Ben Franklin underwent his famous examination before the members of Parliament, he reminded them that the "pride of Americans used to be to indulge in fashions and manufactures of Great Britain," but now their new pride is "to wear old cloths over again, till they can make new ones." Once New York had taken action, merchants from other colonies quickly followed their example. In Philadelphia a group of three hundred merchants signed a non-importation agreement whose three major points were: 1. "To instruct their correspondents in

16 Ibid., pp. 198-199.

England not to ship goods until the Stamp Act was repealed. 2. To countermand all orders for goods, except in cases of such merchants as were owners of vessels already gone or clearing from Great Britain... 3. To continue the non-importation until May 1, 1766. 18 New Albany and Boston merchants agreed to similar terms.

The combined effort of the merchants proved very effective in forcing the British government to recognize their complaints. This non-importation movement was designed to bring Parliament to terms. Hence it was of great importance politically rather than economically. Colonial boycott of English goods ruined British trade with the colonies, which in turn crippled the business of the English merchants. Consequently, the heavy pressure which disgruntled British merchants brought on Parliament turned out to be the most decisive factor in bringing about the repeal of the Stamp Act. The protest from the colonial merchants in 1765 was the first organized resistance in America to the financial policy of Great Britain. 19 British merchants felt that the growing American home industry was itself a threat to future trade with the colonies. The more Americans supplied themselves with the needs and luxuries of life through domestic manufacturing, the less dependent they would be on English


19 Andrew, Colonial Background of the American Revolution, p. 140.
merchandise. Furthermore, the British merchants were not being paid by the colonial merchants who were desperate for money. According to Walpole: "The weapon with which the colonies armed themselves to most advantage, was the refusal of paying debts they owed to our merchants at home, for goods and wares exported to the American provinces." 20

Under this new economic burden, the colonial merchants had been forced to unify their efforts to counter-act the legislation of Parliament. In unity they discovered encouragement and strength which made the non-importation movement possible and effective. A united and determined effort produced results which the British government could not ignore. Their weapon worked because nearly all colonial merchants chipped in and took part in the non-importation movement. A few years later when it would again be attempted, this same movement would collapse because merchants could not come to satisfactory agreement and work in unity. That union necessary for success had dissolved.

The merchants were not alone in their opposition to the Stamp Act but were ably assisted by another strong influential group, the lawyers. Engaging the lawyers was a serious blunder which Grenville probably had not calculated prior to the Stamp Act legislation. As

a legal document the Stamp Act assessed taxes on all deeds, bonds, letters of administration and other necessary court papers. Brought into the fight to protect their own business and American rights, the lawyers would prove themselves to be the most articulate.

The legal profession dominated the field of public affairs since many of the top lawyers were also important public officials. As a group they were respected and influential in colonial affairs. According to Lieutenant-Governor Golden of New York, "there was nothing too wicked for them to attempt which serves their purposes. Certainly their profession fitted them for the struggle ahead. When Edmund Burke delivered his eloquent Speech on Moving Resolutions for Conciliation with the Colonies, on March 22, 1775, he warned the members of Parliament what a significant role the lawyers played in the colonies. "Their study of law," he said, "renders them acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources. In other countries, the people, more simply people, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here (American) they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They auger misgovernment at

21 Schlesinger, Prelude to Independence, p. 10.

a distance, and snuff the approach of tyranny in every tainted breeze."\(^{23}\) Such was the opinion and esteem for those men who now took up the fight for American freedom.

When the news of the Stamp Act reached America, lawyers immediately took up the defense of colonial rights and liberties. They began by arguing on constitutional grounds, shifting their positions as need required, and finally ended with "purely dogmatic assertions that what they chose to believe had a sanction above any argument."\(^{24}\) The question of taxation was the first target of attack. Daniel Dulany, distinguished lawyer from Maryland, expressed cogent and forceful arguments in one of the most widely read pamphlets provoked by the Stamp Act: _Considerations on the Propriety of Imposing Taxes in the British Colonies, for the purpose of raising a revenue, by Act of Parliament._ Dulany wrote this work principally to refute two widely circulated pamphlets by British authors— one by Thomas Pownall: _Administration of the Colonies,_ which struck Dulany as a "pompous piece of work;" the second by Soame Jenyns. _The Objections to the Taxation of our American Colonies by the Legislation of Great Britain briefly considered,_ in which the author affirms the absolute and unquestionable authority of Parliament to tax her colonies.\(^{25}\) In his pamphlet Dulany did not deny

\(^{23}\) Works of Edmund Burke, I, ed. by Henry Rogers, (London, 1850), p. 188.
\(^{24}\) Adams, Revolutionary New England, p. 312.
\(^{25}\) Morgan, Stamp Act Crisis, pp. 73-74.
the supremacy of Parliament but he argued that there were some things it could not do and one was to tax the colonies without their consent. Because the colonists claim the privileges of British subjects, he argued that "it has been proved to be inconsistent with those privileges to tax them without their own consent, and it hath been demonstrated that a tax imposed by Parliament is a tax without their consent." Taxation belonged exclusively to the colonial assemblies where the American people were represented. Parliament could not tax the colonists because they were not represented and therefore could not give their approval. This was a long established colonial right and practice. Dulany's arguments exerted a wide influence on the colonies by providing inspiration to many who were thinking along the same line but did not dare to express themselves publicly.

In New York, the popular lawyer, John Morin Scott along with William Smith, Jr. and William Livingston were recognized as the backbone of the resistance in that state. Public defiance of the right of Parliament to tax the colonies convinced a good number of the common people that the tax was unjust. Still it was not merely a question of taxation against which the lawyers and the


people in general rebelled. Placed in a larger context the real question was the "fundamental one of the moral validity of imperialism, of whether a group of men in one part of the world has the right to rule others in another part against their will, however wisely and however well."28

While it is true the economic grievances were the most real for the common people, still there were other factors mixed with this spirit of revolt. American growth in self-government created an atmosphere which was hostile to British intervention. Americans wanted to be free to run their own lives and country without foreign interference. Consequently any attempt by the British government to tighten its control over the colonies was hotly resented. Grenville's plan of empire meant commercial supremacy and commercial exploitation for England. In a pamphlet titled: The Regulations Lately Made Concerning the Colonies and the Taxes Imposed on Them, Considered, which was either written by Grenville or written at his suggestion, the writer stated: "Colonies are only Settlements made in distant Parts of the world, for the Improvement of Trade; but if they were allowed to transfer the Benefits of their Commerce to any other Country than that from which they came, they

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28 Adams, p. 317.
would destroy the very purpose of their Establishment." The colonists, for their part, would not submit themselves as a profit-making adventure for the British government.

Others besides Dulany took to writing. Stephen Hopkins produced *Grievances of the American Colonies* wherein he used the common distinction between internal and external taxation to assert the colonial right to levy their own taxes. More famous and controversial than Hopkins was James Otis, a graduate of the Harvard Law School, named by his contemporary John Adams as "the most conspicuous, the most ardent and influential" among those engaged in carrying on resistance to parliamentary legislation during the period from 1760-1766. Perhaps such a statement as this was made with poor understanding of Otis' political instability during these years but it does indicate the influence this man exercised once he had sided with the patriots.

While some lawyers were busily writing in defense of the colonial cause, another ambitious lawyer was taking even more drastic measures. In Virginia, Patrick Henry introduced a series of reso-

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30 *Works of John Adams*, ed. by Charles F. Adams, X (Boston, 1856), 284.
utions before the House of Burgesses which later came to be known as the "Virginia Resolves." Just exactly what Henry said, what the Burgesses approved and what the press printed are all cloudy points in history. 31 Tradition had handed down the thrilling legend of Henry's defiant shout of "if this be treason, then let it be so." When the diary of a French gentleman was discovered in 1921 in Paris (Archives de la Marine), this dramatic tale was shattered because the eye-witness account of this traveler tells of the same event in less daring words. Nevertheless, the work of Henry was timely for immediately he became the hero of the lower classes even though contemporary colonial leaders frowned on his extreme action. The depth of his wisdom and soundness of his reasoning was neither the keenest nor the most honest, but his ability to select arguments and apt phrases to move the masses was a talent he put to good use. One historian remarks: "He stood as a rallying-point for revolutionists and dissenters, not as a great leader toward sold reform. 32"

The "Virginia Resolves" were spirited and radical in tone which explains why they were so effective in stirring the people. The Governor of Massachusetts referred to the resolves as "the alarm bell" for all of New England. Jared Ingersoll reported that

31 Morgan, Stamp Act Crisis, p. 89.
Boston was in a frenzy and that this intense spirit quickly spread to Connecticut. In substance the resolves contained nothing more than the assertion that Americans possessed the rights of Englishmen. Seven resolutions were presented to the House but it is difficult to say which ones the Assembly approved and which it did not. Certainly the last two resolves were not passed and possibly the fifth received a negative vote. The resolutions stressed the things Parliament could not do, and what powers it did not possess over the colonies. The third article expressed in vivid words the principle of "no taxation without representation." It read: "Resolved, that the taxation of the people by themselves or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, or the easiest method of raising them, and must themselves be affected by every tax laid on the people, is the only security against a burthensome taxation, and the distinguishing characteristic (sic) of British freedom, without which the ancient constitution cannot exist."

The last two resolves, radical and defiant in tone, went beyond anything ever heard in the House. The sixth said the Virginians were "not bound to yield

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33 Ingersoll Stamp Act Correspondence, pp. 50-51, cited by Gipson, Jared Ingersoll, p. 154.

34 Sources and Documents, p. 17 footnote.

35 Ibid., p. 17
obedience to any law or ordinance whatever, designed to impose any
taxation whatsoever upon them, other than the laws or ordinance of
the General Assembly," which implied a right to resist taxation by
Parliament through force if necessary. The seventh would have sup-
pressed freedom of speech in an effort to maintain American liberty.

What Henry introduced, what the House approved and what was
printed in newspapers, gave rise to much confusion throughout the
colonies. Unfortunately or fortunately as the case may be, all
seven resolutions Henry advocated were broadcast although only four
or possibly five were adopted. Lawrence Gipson maintains that "the
importance of what seems to have been the Henry resolutions—as
distinguished from the official Virginia Resolves—lies in the fact
that they were erroneously accepted throughout the colonies as the
actual ones adopted by the House of Burgesses. Their widespread
publication inspired Americans everywhere to resist the enforcement
of the Act." 37 Contemporaries agree to the instantaneous effect
brought about by the Virginia Resolves so widely publicized in the
newspapers. At the first reading the resolves appeared imprudent
and bold but they were later surpassed by other colonial assemblies

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Ibid., p. 18.

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Lawrence Gipson, The Coming of the Revolution,
1763-1776, (New York, 1954), p. 88. This book is part of the New
American Nation Series, ed. by Henry S. Commager and Richard B.
acting in imitation. Only a spark was needed to set aflame the
spirit of resistance which had been building in the colonies. Under
the inspiration of Henry, the opposition in the colonies took a
reckless turn, "demanding instant action, and that suited the tem­
per of a great number of Americans in that trying hour."38

So much for the influence, work, and role of the lawyers in
supplying ammunition for the resistance movement to the Stamp Act.
As a group they were active and determined in their remonstrances
and opposition to the tax legislation. Defense of important col­
onial rights claimed their time and efforts. Much of their success
however, came from the close cooperation they received from the
printers who were the third group to be injured by the menace of
the Stamp Act. We now turn our attention to the newspaper men to
see how they aided in bringing about the repeal of the Stamp Act.

Previous to the Stamp Act, the press played a very insignif­
icant role in forming public opinion for few printers were bold
enough to oppose any offensive measures passed by authorities.
But the Stamp Act, with its heavy duties on all branches of print­
er's business, provided a strong economic abuse for nearly all the
printers to unite in common opposition and join other subversive
elements working for the same cause. The printers were almost

38 Van Tyne, p. 158.
universal in opposing the tax levied on newspapers and pamphlets. "One unanticipated consequence of the Stamp Act," Schlesinger notes, "was the part it played in effecting a revolution in American journalism. However useful the newspapers may earlier have proved as disseminators of information, they had never dared to act as makers and molders of public opinion." The colonial printers were never so unanimous in their opposition as at this time. Newspapers, which numbered close to twenty, devoted more and more space to the controversy in an effort to spread propaganda and stir up American resistance. The time was ripe for printers to take a firm stand instead of submitting to the new tax. The eventual results shows that the Stamp Act "opened the way for a decisive assertion of the power of the press." 

Directly burdened with the stamp tax, the printers so unaccustomed to mutual cooperation as had been the merchants, splendidly rose to the occasion to face a situation never before encountered.

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43 Schlesinger, Prelude to Independence, p. 20.
The astute observation of the historian David Ramsay is interesting. "It was fortunate for the liberties of America, that newspapers were the subject of a heavy stamp duty. Printers, when uninfluenced by government, have generally ranged themselves on the side of liberty, nor are they less remarkable for attention to the profits of their profession. A stamp duty, which openly invades the first, and threatened a great diminution of the last, provoked their united zealous opposition." Given the chance to exert their influence, printers would demonstrate the power of the press and the importance of newspapers in disseminating and synthesizing the many forms of propaganda. The press kept the public alive and alert to the important issues that touched their daily lives. It played upon the fears and hopes of the people; exaggerated the arguments by stressing high-handed motives of the British Parliament. Fearlessly championing the American cause the press openly defied parliamentary authority in the matter of taxation. Printers were known for their outspokenness, concealing nothing that would further the cause of resentment against the ugly stamp tax. "You will think the printers all mad," wrote John Watts from New York. "Holt particularly, who has been cautioned over and over again, and would have been prosecuted, but people's minds are so inflamed about this

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stamp act, it would only be exposing the Government to attempt it. John Holt, editor of the New York Gazette and Post-Boy, had gained a reputation for a fighting spirit in opposing enforcement of the Stamp Act. In this paper he expressed his radical policy much to the delight of many in agreement with him. 46

The majority of printers greeted the Stamp Act news with open contempt once they had recovered from the initial shock. Open defiance had never been their policy since they could never be certain of public support. With a little encouragement printers filled their newspapers with more and more public denunciations of the injustice and illegality of the Stamp Act. The effectiveness of their work was acknowledged by John Adams. "The people, even to the lowest ranks, have become more attentive to their liberties, more inquisitive about them, and more determined to defend them, than they were ever before now or had occasion to be."47 Instead of complying with this piece of British legislation, printers took this opportunity to stand their ground and defend their business. "Lib-


erty of the Press," was their often repeated cry.

In the Bay Colony the Boston Gazette, whose two editors were closely in touch with the Sons of Liberty, took the lead in spearheading colonial opposition. All of the newspapers then published in Boston openly defied the Stamp Act by continuing to appear without stamps. 48 John Holt set the pace in New York where the Sons of Liberty aided him financially from time to time. 49 William Bradford took charge of the Pennsylvania Journal to make it the leading organ of propaganda in Philadelphia. In Rhode Island, Stephen Hopkins worked through the Providence Gazette and Country Journal. 50 Charges of tyranny, oppression and slavery were front-page headlines which "kept the people in alarm for their liberties and made the controversy between the mother country and colonies a great crusade in which every American could take part." 51

The Southern editors showed less initiative than the Northern printers but managed to spread enough evidence of northern excitement to arouse the people in these colonies. Some of the Southern printers, feeling less sure of popular support, met the crisis through temporary suspension. 52 Georgia was the lone state which

48 Schlesinger, "Propaganda and the Boston Newspaper," p. 396
49 Schlesinger, Prelude to Independence, p. 72.
50 Davidson, Propaganda and the American Revolution, p. 229.
refused to join in the opposition to the Stamp Act. Headlines in Southern newspapers warned readers that the paper would soon be out of print. For example, the Maryland Gazette, as early as October, 1765, ran the caption: "Expiring: In Hopes of a Resurrection to Life again." Sometimes this propaganda was carried on simply to test popular sentiment and to win the sympathy of the people. A few editors and printers who decided to discontinue publication entirely were physically forced to resume publication by the threat of personal violence. The Sons of Liberty made sure that no one would submit to the Stamp Act. Patriotic headlines drew everyone's attention to the controversy. For example: "The United Voice of His Majesty's free and loyal Subjects in America—LIBERTY, PROPERTY, and NO STAMPS." The Newport Mercury took an adamant stand against the Stamp Act and reminded its readers: "Undaunted by TYRANTS,—WE'LL DIE or be FREE."54

In general the newspapers continued in print without the stamps or, if temporarily suspended, soon resumed publishing, once the attitude of the people was ascertained. Evoking the power of the press far exceeded anything Grenville ever imagined as he confidently presented the Stamp Act to Parliament. Cooperative effort

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Schlesinger, Prelude to Independence, p. 77.

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Davidson, p. 235.
achieved a sense of accomplishment which inspired the printers with a deeper conviction of the new role they now enjoyed. However, much of the success of the press resulted from its close cooperation with another less gentle and patient group known throughout the colonies as the "Sons of Liberty."

"Sons of Liberty" was a term used by Isaac Barré in his fiery speech before Parliament when the Stamp Act was debated. In America, the "Sons of Liberty" was the name of an organization begun in the summer of 1765 which comprised small groups of radicals whose membership was recruited generally from the lower classes. To give some idea of their personnel, John Adams relates attending a meeting at which was present a distiller, merchant, brazier, printer, painter, jeweller, and the master of a vessel. 55 Their avowed purpose was to prevent the enforcement of the Stamp Act by clearing the colonies of stamps and stamp masters. 56 The program of the Connecticut Sons of Liberty openly proclaimed in a newspaper gives a good indication of their intentions. "We do declare and publish this, as our settled and deliberate purpose as a free people, that we will, by all due and effectual means, prevent the use, distribution, or receiving, of said papers stamped according to said act,


in any branch of business or trade, wither foreign or domestic by any member of this colony."57 The chief weapon employed by the Liberty Boys was the threat of violence or destruction to stamp distributors and their property. Nearly every colony had its rough band of boys to give cohesion, direction, and force to the resistance movement.

Once the Sons of Liberty moved into action, resistance to the Stamp Act, which had started out as primarily verbal, now took on the added element of physical violence. Again it was Boston which set the pace in applying force to words. One is apt to think the Bostonians enjoyed violence because it was a sure means of getting across a point. The Loyal Nine, which later expanded into the Sons of Liberty because of increasing numbers, first took shape in Boston under the capable leadership of Ebenezer Mackintosh, a shoemaker by trade and former leader of the South End gang in Boston.58 The two main targets of the stamp act rioters in Boston were Governor Hutchinson and the stamp distributor, Andrew Oliver. The property of both these gentlemen was ravaged and destroyed by the mob. Hutchinson, who just managed to escape to a neighbouring place for protection when warned of the approaching rioters, describes the destruct-

57 *Connecticut Gazette*, December 6, 1765, cited by Hipson, Jared Ingersoll, p. 196.

tion they inflicted on his home, "The hellish crew flew upon my
house with the rage of devils and in a moment with axes split down
the door... Not content with tearing off all the wainscott and hang-
ing and splitting the doors to pieces, they beat down the cupola or
lantern (sic) and they began to take the plate and boards from the
roof and were prevented only by the approaching daylight from a to-
tal destruction of the building." 59

Hutchinson had given the impression that he was not entirely
opposed to the Stamp Act and for this reason he drew the bitter re-
sentment to the people. Fear and timidity kept him from expressing
what he believed to be right. Prudence and expediency guided his
course of action. 60 In his estimation, it would have been more pru-
dent for the colonies to submit for the present to parliamentary
taxation rather than insist on their own rights. Quite naturally
the colonists were unwilling to compromise, and so they vent their
rage on Hutchinson whom they regarded as bordering on treason.
Certainly Mackintosh cannot shake the blame for these unlawful acts
but the responsibility for the mob uprisings should more correctly
be attributed to some of the Boston merchants. 61

59 Massachusetts Archives, XXVI, 146-147, cited by
Society Massachusetts, Publications, XXVI (March, 1924), pp. 32-33.
60 Morgan, "Thomas Hutchinson and the Stamp Act," New
61 Anderson, "Ebenezer Mackintosh: Stamp Act Rioter,"
p. 39.
Not only in Boston was there violence by the Sons of Liberty, but also in many other colonies where loyal stamp agents tried to perform their duties. The Lieutenant-Governor of New York, Cadwallader Colden, received a note from the mob warning him that they would use force to withstand the Stamp Act, "which we are unanimously determined shall never take place among us, so long as Man has Life to defend his injured Country." John Morin Scott, working through the New York Gazette, stood out as one of the top leaders of the Sons of Liberty. Backed by their loyal support he openly attacked the right of Parliament to tax the colonies and even went so far as to suggest a complete break with the mother country. One of his newspaper articles ended with the warning: "If, then, the interests of the mother country and her colonies cannot be made to coincide; if the same constitution may not take place in both; if the welfare of the mother country necessarily requires a sacrifice of the most natural rights of the colonies—-their right of making their own laws, and disposing their own property by representatives of their own choosing—-if such is really the case between Great Britain and her colonies, then the connection between them ought to

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cease; and, sooner or later, it must inevitably cease."63 In order to save his life and property, Lieutenant-Governor Golden yielded to the demands of the mob for which he was later severely reprimanded by the British government.

Throughout the colonies the same procedure was used to chase stamp distributors away or force them to resign. In Maryland, Zachariah Hood, on returning to his province after he had received the appointment of stamp agent, was forced to flee into another colony.64 In New Jersey, the Sons of Liberty refused to permit any lawyer to discontinue practice because of the stamps.65 The various groups of Liberty Boys worked in close cooperation with one another to prevent the enforcement of the Stamp Act by disposing of stamps and stamp men. A poster displayed by the Sons of Liberty warned: "PRO PATRIA: The first man that either distributes or makes use of the Stamps (sic) Paper let him take Care of His House, Person, Effects. We dare, VOX POPULI."66 There could be no mistaking the serious intentions of this hard-bargaining society. These riotous proceedings cannot elicit our admiration or sympathy as well.

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64 Cf. P.H. Giddens', "Maryland and the Stamp Act Controversy," Maryland Historical Magazine, XXVII (1932) for a treatment of Sons of Liberty in this Province.

65 Cf. J.C. Collolly's, "The Stamp Act and New Jersey's Opposition to it," New Jersey Historical Society, Proceedings, IX (April, 1924) for the work of the Sons of Liberty in this colony.

chosen means to the end proposed, but they do indicate the determination of the colonies in their opposition to the British government. These extreme actions show a "willingness to resort, if need be, to the most violent measures, in defense of their political rights, and in resenting any insults which might be offered to their persons or characters." 67

If the Stamp Act riots were an unofficial protest against the British government, the formal declaration drawn up by the Stamp Act Congress would certainly be the official statement of the colonies. The Congress convened for the express purpose of drawing up resolutions, of forming an address to the King, and a memorial to the Lords and a petition to the House of Commons. 68 This meeting should have convinced the British government that colonial opposition to parliamentary taxation was no mere superficial complaint of a few discontented colonists. The twenty-seven delegates who attended the Stamp Act Congress included some of the most distinguished men in the colonies. James Otis had been instrumental in getting the Congress to assemble. This was the first time in colonial history that the initiative came from colonial assemblies and not from British government officials. 69

67 Dawson, Sons of Liberty, pp. 97-98.


69 Van Tyne, p. 182.
Among the members of the Congress there was little disagreement on the essential points of colonial rights. The conviction expressed in the resolutions asserted that Americans were entitled to "all the inherent Rights and Liberties of his Natural born Subjects, within the Kingdom of Great-Britain," and therefore it is essential to the freedom of the colonists who themselves enjoy the "Rights of Englishmen, that no Taxes be imposed on them, but with their own Consent, given personally, or by their Representatives." The petition made it clear that the colonies "are not, and from their local Circumstances cannot be, Represented in the House of Commons" and since they are not represented by personal representatives, "no Taxes ever have been, or can be Constitutionally imposed on them, but by their respective Legislature."70 In short, the Stamp Act Congress defended the familiar principle of "no taxation without representation," which seemed to express the chief point of American opposition to the Stamp Act. The resolutions drawn up by the Congress reveal a united expression of American sentiment which could not be mistaken. It was a formal protest that summed up colonial resistance to the stamp tax legislation. By imposing this Stamp Act on the colonies "the mother country at one stroke had done more to foster a spirit of union born of hostility than the French had done in a century and a half."71

70 Sources and Documents, p. 33.
CHAPTER IV

THE STAMP ACT DEBATED

Discussion and debate throughout the stamp act crisis revealed two conflicting ideologies which made peace between the two countries impossible. For the first time there was united colonial action throughout the colonies where common opposition arose in defiance of British legislation. This unity itself was indication enough that something unusual had struck the colonies since previously the colonies lived on a separate independent basis, each concerned with its own affairs. Before attempting to unravel the core of colonial resistance we will attend to the British side of the controversy. What was their position and why were British statesmen so adamant in pursuing the present policy?

It has been said that the American Revolution "was an uprising not against a king and his ministers, but against a system and a state of mind." Hence, an understanding of the British attitude during this period is of no small importance in understanding their actions. The "English mind," rooted in a deep respect for history,


law, tradition, and precedent quite naturally developed a mature, logical system of government. Because of the smallness of their island the people of Great Britain were forced to think "imperialistically."

3 Essential to their prosperity was the possession of colonies whose value and purpose was in their usefulness to the mother country. The prevailing doctrine of mercantilism colored British thought and action. As this system meant the mother country must be allowed unhampered control in dealing with the colonies, subordination was a necessary corollary to this system. Parliamentary regulation aimed at preserving and maintaining this subordinate relationship of the American colonies to England.

Against this background and this frame of mind we find that the thought and action of Grenville seems logical and very much in accordance with the accepted, traditional system. Arguing according to the rules of mercantilism, Grenville could declare to the King that the colonies were the "richest jewel of his crown," and that "if any man ventured to defeat the regulations laid down for the colonies, by a slackness in the execution, he should look upon him as a criminal and the betrayer of his country." 4 Not for a moment could Grenville concede any rights of self-government to the colonies since they were automatically inferior and subordinate to

3 Ibid., p. 186.

4 Grenville Papers, III, (ed. by W.J. Smith), 211, 216.
the home country. Parliament possessed the supreme and unlimited power to tax them whenever she wished. The attitude of Grenville is quite clear on this point for as he remarks: "That this kingdom has the sovereign, the supreme legislative power over America, is granted. It cannot be denied; and taxation is a part of that sovereign power." 5 There could be no question in his mind that the colonies were bound to obey whatever Parliament legislated. "Protection and obedience are reciprocal," and since "Great Britain protects America, America is bound to yield obedience." 6 If Grenville had his way, force would have been used to coerce the colonies into submission. In his speech before the members of Parliament, Grenville blamed them for their laxity in ruling the colonies as if colonial disobedience was something to be expected. Any toleration of insubordination was "but telling the Americans to stand out against the law, to encourage their obstinacy with expectation of support from hence." 7

On these premises Grenville's logic was irrefutable and very much in keeping with contemporary British thought. The absolute sovereignty of British Parliament in legislating for the American colonies was definite and could not be called into question. In the past this policy had been true in theory and practice, but in

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6 Ibid., p. 102.

7 Ibid.
the present crisis, it failed to take into consideration the new American spirit which had been growing over the past half century. Like the majority of his contemporaries, Grenville and many other members of Parliament "did not understand the situation in America, because they knew too little about colonial affairs and were blind to the significance of that which came to their attention. Seemingly they were unable to sound the depths or take the measure of what was happening in their own colonies." Ignoring the growing maturity of the colonies, British leaders continued to treat them as helpless dependent colonies who should be grateful for England's strong protection. Against the deepening sense of self-government manifested in the American colonies, Grenville would urge his strict legalism which was doomed to failure from the outset. Persistently he would maintain the legal right of Parliament even when it was clearly pointed out that such a position was detrimental to England's prestige in the colonies.

Grenville did not stand alone in demanding the right of Parliament to tax the colonies. Another prominent member of Parliament who voiced the same argument was Soame Jenyns. In 1765 Jenyns published a pamphlet titled: The Objections to the Taxation of Our American Colonies by the Legislature of Great Britain, briefly considered which achieved instant success in England, and provoked a number of replies from the colonies the most notable of which was James Otis' Considerations on Behalf of the Colonies in Andrews, Colonial Background of the American Revolution, pp.
Letter to a Noble Lord. The work of Jenyn's illustrates the attitude of mind which so completely failed to understand the colonial problem and the relationship between the two countries. The mood of the pamphlet becomes clear in the opening sentence where Jenyns writes: "The right of the Legislature of Great Britain to impose taxes on her American colonies, and the expediency of exerting that right in the present conjuncture, are propositions so indisputably clear that I should never have thought it necessary to have undertaken their defence, had not many arguments been lately flung out both in papers and conversation, which with insolence equal to their absurdity deny them both."9 He then goes on to assert Parliament's indisputable right to tax the colonies and adds that "if Parliament can impose no taxes but what are equitable and if the persons taxed are to be the judges of that equity, they will in effect have no power to lay any tax at all."10 In his own way Jenyns was even more harsh than Grenville in his attitude towards governing the colonies. Americans had often insisted they should enjoy the same rights and liberty as Englishmen and in his own blunt way Jenyns would explain that the liberty of Englishmen did not mean "exemption from taxes imposed by the authority of the Parliament of Great Britain; nor is there any charter that ever pretended to grant such a privilege to

9 Sources and Documents, p. 18.

10 Ibid., p. 21.
any colony in America, and had they granted it, it could have had no force."

The central theme in Jenyns' work once again highlighted the absolute and unlimited supremacy of Parliament which included the right of taxation. The colonial relationship to Great Britain, according to Jenyns, is the same as any British corporation, and consequently "they can have no more pretence to plead an exemption from this parliamentary authority, than any other corporation in England." Furthermore, Jenyns hints at the impracticality of colonial representation in Parliament, and because of late the Americans have shown splendid oratorical abilities, he fears that "the sudden importation of so much eloquence at once, would greatly endanger the safety and government of this country." In short, Jenyns wanted to make it clear that the absolute sovereignty of Parliament was an established principle, and in the matter of colonial taxation the right of Parliament to tax the colonies was a fundamental law that could not be denied. The unlimited power and authority of Parliament over the American colonies was unquestionable. Especially in the present extreme conditions prevailing in England did Parliament have the "absolute necessity of exercising that right."

\[11\] Ibid., p. 20.
\[12\] Ibid., p. 21.
\[13\] Ibid., p. 22.
The position held by Grenville, Jenyns, Lord Mansfield and other prominent British leaders left no room for compromise. Either you rigidly defended this position or else you had to take a new stand on different principles. Sovereignty must be maintained at all costs since it was central to the British constitution. Her American colonies were to support the home country and submit to her legislation and governing regulations. Hence, under what exception could the colonies demand an exemption from British taxation? It is interesting to note that nearly ten years later, in April 1774, Edmund Burke delivered his famous "Speech on American Taxation" before the members of Parliament in which he urged that Americans be permitted to tax themselves. If the British Parliament persists in demanding the right to tax the colonies, he warns them of the consequences. "If, intemperately, unwisely, fatally, you sophisticate and poison the very source of governing, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself into question ...If sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty into your face. Nobody will be argued into slavery."14 Burke's simple prediction came true

In marked contrast to the "English mind" the colonial frame of mind was fashioned by entirely different circumstances. The colonists lived in a "self-contained area of enormous potential resources, requiring concentration and intensive activity, conditions which tended to create a provincial rather than an imperial spirit." Any foreign intervention through taxation was a clear invasion of private rights. From the beginning of the crisis, colonial leaders refused to acknowledge Parliament's right to tax the colonies for purposes of revenue as the Stamp Act intended. No one would ever allow a foreign legislative body the right of taxation which would imply complete subordination to the mother country in every respect. By the year 1765 there were few colonists willing to admit that they existed simply for the good of the mother country. Hence it was inevitable that in proportion as the British government insisted Parliament enjoyed supreme right of taxation over the colonies, so did the colonies stress the opposite by denying parliamentary authority and upholding colonial independence in the matter of taxation. In refuting the right of Parliamentary taxation the colonists definitely changed their position as the need arose. The defense of their rights was a maturing process that naturally took time, but always their immediate end was to resist and seek repeal of each oppress-


ive act of Parliament; their long-range purpose was to put the colonies in their proper relationship with the mother country. 17

In the eyes of most Americans, the prime constitutional problem centered on the right of Parliament to tax the colonies for the purpose of revenue. Left to themselves for a good number of years and growing more and more intolerant of restraint, the colonies felt that any taxation by British Parliament struck deeply at their liberty. Parliamentary taxation versus colonial liberty was the key issue, and neither side would compromise. The popular refrain, "no taxation without representation" epitomized the central note of colonial opposition. In the beginning the Americans used the distinction between external and internal taxation, but when this distinction no longer worked, they talked about taxes for regulating trade and taxes for raising a revenue. After this they denied Parliament had any right to tax them and concluded they simply were not subject to Parliament. 18

Both sides firmly held to the doctrine of "no taxation without representation," but each interpreted it quite differently. The British maintained that the colonies enjoyed virtual representation in Parliament and, in the words of one historian, there was a "basis for this contention in the historically illogical system of rep-


representation in the mother country."

British leaders argued that the colonies held the same relation to Parliament as other cities in England such as Manchester or Sheffield who, even though they sent no representatives to Parliament, were not taxed without their consent since each member of Parliament represented the interests of all the English. Soame Jenyns, whose work we have already touched upon, had asked "why does not this imaginary representation extend to America as well as over the whole Island of Great Britain? If it can travel three hundred miles, why not three thousand? . . . If the towns of Manchester and Birmingham, sending no representatives to Parliament, are notwithstanding there represented, why are not the cities of Albany and Boston equally represented in that Assembly?"

The colonial response to the suggestion of virtual representation was one of irritation and contempt. American leaders such as James Otis, Daniel Dulany and Richard Bland completely rejected the whole idea which Dulany describes as a "mere cob-web, spread to catch the un-wary, and intangle the weak." In his popular work, Considerations on the Propriety of Imposing Taxes in the British Colonies, for the purpose of Raising a Revenue, by Act of Parliament, Dulany expressed the colonial attitude regarding virtual

20 Sources and Documents, p. 20.
representation and the reasons why it could not work in the present instance. The main point of his argument was:

There is not that intimate and inseparable relation between the electors of Great Britain and the inhabitants of the colonies which must inevitably involve both in the same taxation; on the contrary, not a single actual elector in England might be immediately affected by a taxation in America, imposed by a statute which would have a general operation and effect upon the properties of the inhabitants of the colonies. The latter might be oppressed in a thousand shapes, without any sympathy, of exciting any alarm in the former. Moreover, even Acts oppressive and injurious to the colonies in an extreme degree might become popular in England, from the promise or expectation that the very measures which depressed the colonies, would give ease to the inhabitants of Great Britain.21

On this issue of virtual representation of the colonies in Parliament, we find some Englishmen in disagreement. For example, Samuel Cooper explicitly asserts in his pamphlet the Crisis: Or a Full Defense of the Colonies that "by the fundamental laws of the British constitution, it is absolutely declared, that no Englishmen is to be taxed without his own consent. Now if we allow the people of America, the rights of Englishmen, it must naturally follow that the Stamp Act is, to the last degree, inequitable, and that even the constitution of the Mother Country itself, was flagrantly violated, to lay an arbitrary burden upon the unfortunate colonies."22

Furthermore, if England is the virtual representative of all her col-

21 Ibid., p. 27.
22 Samuel Cooper, Crisis: or a Full Defense of the Colonies, (London 1766), p. 3.
onies, why, Cooper queried, did not she exercise this privilege a bit earlier? In his opinion England granted provincial legislatures to her colonies which implicitly invested them with the right of taxation. He concluded that the colonists, since they should enjoy the same rights and liberties as Englishmen, have an unquestionable claim "to raise their own taxes and to make laws for themselves. Tis for this purpose we have granted them a provincial legislature."24

In contrast the English and the colonial viewpoints on taxation and representation offer two different pictures. The system of representation developed in the colonies was more in accord with their notion of liberty and rights. Discussion and debate was clouded by mutual suspicion and misunderstanding which made common agreement impossible. As interpreted by the English, the phrase "no taxation without representation" simply meant that "the executive authority could levy no money without the previous consent of Parliament, more especially the House of Commons; in the colonies, it meant that taxes could be voted only by those in which the voters were present in person or were represented by those in whose election they had actually taken part."25 The theory and practice

23 Ibid., p. 5.

24 Ibid., p. 28.

of English representation resulted in the defect known as "rotten 
boroughs," which was so utterly abhorred by the framers of the Ameri-
can Constitution. Equal representation was a belief the colonists 
took for granted whereas in England this was never attempted.26 
These two different opinions on representation implied a fundamen-
tal difference between the two governments.

The Stamp Act, which was intended to raise a revenue to defray 
the expense of colonial defense, brought into frequent discussion 
the distinction between internal and external taxation. This inade-
cquate distinction was often used by either side although a differ-
ent meaning was attached to the distinction by both sides. Latest 
investigation seems to indicate that this disputed distinction was 
not originated by the Americans but was later used by them. The 
colonists were not distinguishing between two types of taxes but 
rather between Parliament's right to tax and Parliament's right to 
regulate trade.27

26 Van Tyne, p. 206.

27 Recent scholarly research has shown that any distin-
ction between internal and external taxation clearly was not ad-
vocated by colonial leaders, although they often made use of the 
distinction because it was so common. Edmund Morgan, who has done 
the most thorough investigation of this problem, contends that "al-
most universally the documents deny the power and authority of Par-
liament to tax the colonies at all. Nowhere is there a clear ad-
mission of the right of Parliament to levy external taxes rather 
than internal, and only in three cases does such a right seem im-
Morgan maintains that the colonies were distinguishing between the
Both the British and the Americans used the distinction between internal and external taxes ambiguously which made for confusion and lack of understanding. Members of Parliament took this distinction as the official colonial position even though the formal petitions sent from the colonies were not considered by Parliament. More by hearsay rather than consulting official documents, it was assumed the colonists were basing their argument on the distinction between a tax on trade and a tax for revenue or between internal and external taxation. This was not the colonial position. The colonial argument was misconstrued because members of Parliament failed to consider the formal petitions sent by the various colonial legislatures. "Those sent before the passage of the Stamp

right to regulate, which they permitted Parliament to exercise, and the right to tax, which they did not allow Parliament. To substantiate his argument, one can read the fifth resolution of the Stamp Act Congress which states: "That the only representatives of the people of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures." (cf. Sources and Documents, p.33.) Likewise, Lord Lyttelton in a speech before the House of Lords, frankly admitted that "the Americans themselves make no distinction between external and internal taxes." (cf. Parliamentary History, XVI, 167.) Finally, James Otis, wrote in his pamphlet, The Rights of the Colonies Asserted and Proved, that "there is no foundation for the distinction some make in England, between an internal and external tax on the colonies." (cf. Some Political Writings of James Otis, ed by Charles Mullett in The University of Missouri Studies, IV (July 1929), p. 75.) In agreement with Morgan is O.M. Dickerson who states that "if a parliamentary tax of any kind was levied with the main purpose of producing revenue they opposed it. The distinction with them was whether it was regulatory or revenue-producing." (cf. William and Mary Quarterly, VI, p. 351.) Against Morgan stands the traditional view held by Randolph Adams, "Political Ideas of the American Revolution, but
Act were thrown out because of the procedural rule against receiving petitions on money bills. Those sent for repeal of the Act were excluded for other procedural reasons because they called the authority of Parliament into question. In other words, instead of a distinction between two types of taxes, colonial opposition included all taxation by Parliament. The supremacy of Parliament, as interpreted by the colonists, did not include the right of taxing the colonies but it did include the right to regulate for the colonies in matters of trade and commerce. A few years after the Stamp Act, even the right of regulating trade would be denied as well as Parliament's supremacy over the colonies.

The distinction between the right to tax and the right to regulate trade was proposed by Daniel Dulany in his pamphlet, Considerations on the Propriety of Imposing Taxes on the British Colonies. He emphasized the difference between "an Act imposing a tax for the single purpose of revenue, and those Acts which have been made for the regulation of trade, and have produced some revenue in consequence of their effect and operation as regulations of trade."  

27 In a lengthy introduction to the latest edition of this work (1958), Merrill Jensen hints that Adams' opinion has been superseded by the work of Morgan. There is an interesting debate carried on against Morgan by Curtis P. Nettels in William and Mary Quarterly, VI (January 1949), pp. 162-170.


29 Sources and Documents, p. 30.
Dulany, let it be noticed, did not deny the supremacy of Parliament over the colonies, yet there were certain things that Parliament could not do even though it was supreme. In brief, the main point which Dulany stressed admitted the right of Parliament to regulate colonial trade without colonial consent, but denied the right of Parliament to tax the colonies for the "single purpose of revenue." Taxation was a function which was the exclusive privilege of representative bodies, and for Americans the only representative bodies were the colonial assemblies.

With Daniel Dulany was another prominent defender of the colonial position James Otis, once Otis had definitely committed himself to the colonial cause. His initial reaction to the Stamp Act favored conciliation. In one of his early works, Vindication of the British Colonies, Otis aligned with Grenville by renouncing the right of the colonies to tax themselves. Yet, even though he conceded this right to Parliament, he expressed the thought that at times it would be imprudent for Parliament to exercise this right without colonial consent through representatives. Otis' own words are: "The right of a supreme power in a state to tax its colonies, is a thing that is clear and evident; and yet the mode of exercising that right may be questionable, in point of reason and equity.

30 Morgan, Stamp Act Crisis, p. 81.
31 Ibid., p. 85.
It may be thought to be unequal and contrary to sound policy, to exercise the right, clear as it is, without allowing a representation to the colonies. Similarly in another of his writings Otis suggested that the best policy for the colonies would be a "meek and patient acquiescence" in Parliament's determinations with the hope that after more information has been gathered by members of Parliament, "that supreme legislative, ever watchful and vigilant for the good of the whole, will appeal of itself to its own further experience and information, and alter such former laws as they shall think fit." Such careless statements as these brought abuse and calumny upon Otis who consequently was forced to defend himself before his estranged fellow citizens. Otis' wavering attitude and inconsistency in argumentation was immediately recognized by his contemporaries who earlier had proclaimed him a hero for his remarkable defense of the colonies against the Writs of Assistance.

In defense of Otis it might justly be argued that "like the majority of his sympathizers he was able to be vastly illogical, even unhistorical, and yet justify his whole point of view and the and the inconsistencies themselves." Shortly before the Stamp

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33 James Otis, Brief Remarks on the Defense of the Halifax Libel, on the British-American Colonies, (Boston, 1765), cited by Brennan, pp. 710-711.

34 Charles F. Mullett in his Introduction to Some Political Writings of James Otis. In The University of Missouri Studies, IV (July 1929), p. 10.
Act was announced in 1764, Otis wrote The Rights of the British Colonies Asserted and Proved in which he attempts to reverse his former position regarding the right of Parliament to levy taxes on the American colonies. In this work he frankly admits that "taxes are not to be laid on the people, but by their consent in person or by deputation." Taxation, as he now saw it, depended on the consent of those taxed, and should any attempt be made to tax without the approval of those taxed, then it was clearly "depriving them of one of their essential rights, as freemen; and if continued, seems to be in effect an entire dis-franchisement of every civil right." Certainly Otis was making a break with his previous position, but at times his argument became obscure and inconsistent which made it difficult to pin him to one side or other of the issue of taxation. Whose right was it? In contrast to the statements just quoted, which seem to hint at the injustice of Parliamentary taxation upon the colonies without their consent, Otis saw no incompatibility arising from an imposition of taxes on trade, land, houses, or any personal property in the colonies by Parliament, which is absolutely irreconcilable with the rights of the colonists as British subjects.


36 Ibid., p. 73.

37 Ibid., p. 72.
Otis, it must be admitted, was not wholehearted in his denial of parliamentary taxation. Even John Adams, contemporary of Otis, detected a compromising attitude in the Rights: "There are, nevertheless, concessions in favor of authority of Parliament inconsistent with the ground he had taken three years before, in his arguments against the Sugar Act, the Molasses Act, and Writs of Assistance, and with many of his ardent speeches in the legislature."38

It was not until the Stamp Act was actually passed that Otis took up the defense of the colonies in the matter of taxation. In an effort to prove his patriotism and to clarify his ambiguous position Otis often went to the opposite extreme. He was the chief leader in assembling men for the Stamp Act Congress, but his radicalism prevented him from being nominated chairman of this select group. He wrote another important pamphlet, partly to justify himself and partly to answer the arguments proposed by Soame Jenyns in a work already touched upon. Otis entitled his work: Considerations on Behalf of the Colonists in a Letter to a Noble Lord in which he makes a sweeping denial of the right of Parliament to tax the colonies. Later in a series of articles in the Boston Gazette he repeated his arguments against the right of Parliamentary taxation. In one issue he wrote: "It never could be the meaning of any man,

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who regards the interests of the colonies, to admit the right, justice or equality of a parliamentary taxation of them either in their present circumstances, or in any other that can be supposed to take place, at least three hundred years, if ever." 39 Once again Otis, who was now in good standing with the colonists, assumed his previous role of leadership in directing colonial opposition against the Stamp Act. At times his actions bordered on the imprudent and extravagant in his determination to correct the current grievances from the Stamp Act. He is reported to have said: "We will repeal it ourselves." In spite of his occasional lapses into an obscure sort of loyalism Otis managed to come out on top to continue as the leading spokesman in the Massachusetts Assembly until 1769 when Sam Adams took over.

The colonists, then, acknowledged the supremacy of Parliament for the present, but stipulated that it could not infringe on colonial freedom and personal rights and liberties. If supremacy meant the inseparable right of Parliament to tax the colonies, then the colonies objected for they argued this would reduce them to a state of slavery. They would never submit to this complete subordination some were demanding. On the other hand, if supremacy meant the power to legislate for the colonies in matters of trade

and commerce, then they were willing to let this pass for the time being. In a few years they would likewise deny this right of Parliament. In other words, the colonists wanted it clearly understood that the sovereignty of Parliament was not an absolute and unlimited freedom to exercise any authority over them in whatever way it saw fit or conditions demanded. In the matter of taxation, this supremacy was curtailed and did not extend to the American colonies. The prevailing view in America made Parliament limited, while in England the complete supremacy of Parliament was accepted without condition. 40

Taxation and representation went together. Consequently, Americans forbade Parliament to tax them since in no way were the colonies represented in Parliament. Virtual representation simply did not satisfy their notion of "being represented," and one of the errors of the British ministry was to "impute to the whole empire, America and all, that system of representation which was of purely insular origin and adaptability." 41 If the colonies were not represented then they could not be taxed by Parliament. Taxation was a colonial right which could never be usurped by a foreign assembly. On the other hand, regulation of trade was a right of the British government because the whole empire required a superintending power. 42

41 Ibid., p. 211.
The Stamp Act controversy exposed fundamental differences on the nature and practice of representation and taxation. It is well to remember that the relationship between the mother country and the colonies had never been expressly defined. Much had been assumed and taken for granted. If the colonies were to be a money-making device for the mother country, then they were subject in all things to Parliament, but the colonists looked upon themselves in a much different light. England was no longer a "mother country" and it was clear that they could govern themselves and provide for their own defense. The different understanding of the British-American relation was aptly expressed by Francis Bernard, Governor of Massachusetts, in a letter to a friend in England. Bernard wrote:

Hence it is that ideas of that relation are formed in Britain and America so very repugnant and contradictory to each other. In Britain the American governments are considered as corporations empowered to make by-laws, existing only during the pleasure of Parliament, who hath never yet done anything to confirm their establishment, and hath at any time a power to dissolve them. In America they claim (I mean in their public papers) to be perfect states, no otherwise dependent upon Great Britain than by having the same King; which having complete legislatures within themselves, are no ways subject to that of Great Britain; which in such instances as it has heretofore exercised a legislative power over them, has usurped it. In a difference so very wide who shall determine? The Parliament of Great Britain? No, say the Americans (I mean the violent and foolish of them.)^{43}

The official position confirmed by petitions from colonial leg-

islatures maintained that the function of taxation belonged solely to colonial assemblies in which the people were represented. The debate over the Stamp Act simply indicated Americans were unwilling to submit to Parliamentary taxation since it infringed upon their personal and private rights. Fundamental issues were uncovered during the course of the debate which lasted throughout the American Revolution. Even at this early date of 1766 these differences of opinion could not be reconciled.
CHAPTER V

REPEAL AND CONSEQUENCES

The intense opposition aroused in the colonies and the increasing pressure from British merchants could not be ignored any longer by British officials. Further evidence was relayed by the British-colonial governors whose reports of violence convinced members of Parliament that something had to be done at once. The menace of the Sons of Liberty made it impossible for the stamp distributors to carry out the provisions of the Stamp Act. Accompanying the colonial resistance was the insistent demands of British merchants that the Stamp Act be repealed since the effective non-importation agreement engineered by the colonial merchants threatened trade and commerce. The British merchants bitterly resented the taxation measure pushed through by Grenville because, by draining off gold and silver used to purchase British goods, it would naturally injure trade. Colonial trade was coming to a complete stand-still, and what was even worse, the dangerous increase in colonial domestic manufacturing, which was encouraged by the boycott movement, served as a bad omen for future trade relations. Irate over the sudden collapse of trade, the British merchants and manufacturers determined to make their grievances felt in Parliament. Their hostility proved to be the deciding factor in bringing about the repeal of the Stamp Act.
In January, 1766, petitions from merchants all over England flooded Parliament with the urgent complaint that trade between the two countries would be ruined if the Stamp Act was not immediately modified or repealed. Colonial trade, in their estimation, was "deemed of the highest importance in the commercial system of this nation." Furthermore, large debts had been contracted by Americans which would go unpaid as long as the Stamp Act was in effect. Colonial indebtedness to British merchants was calculated in the area of "several million sterling." From this angle alone, the British merchants certainly had legitimate grounds for complaint.

While the British merchants were doing all in their power to effect the repeal, there was another source of trouble within the Ministry itself. Grenville, who had become the prime target of colonial abuse, now incurred the displeasure of King George. Never personally charmed by Grenville's character and administrative ability, George III had been trying to lure William Pitt into forming a new ministry. Consequently, the fall of Grenville from office in May, 1765 did not come unexpectedly. The immediate cause of his fall came from his mis-handling the Regency Bill that George considered so important. Insulted by Grenville and irked by his inefficiency in getting matters accomplished as he wished, George dismissed Gren.

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ville and sought someone else to take his position. He called upon William Pitt, but Pitt, mindful of his own talents and stubborn in his opinions, refused to go along with the King unless he could make his own rules. As a result the King had to select a ministry headed by the Marquis of Rockingham; a ministry which was in favor of a "more liberal trade policy and held broader views of personal liberty." Consequently, between the merchants and the Rockingham ministry there was common agreement on the impracticality of the Stamp Act.

The Rockingham party, often referred to as the "new Whigs," found itself in a delicate dilemma. How could the Stamp Act be repealed without offending the honor of Parliament and without incurring the strong opposition from other members of Parliament, especially the followers of Grenville who would certainly take a strong stand against anything like repeal? Furthermore, the King vacillated between emendation and repeal, and no one was really sure what his final opinion and pronouncement would be. Repeal of the Stamp Act might establish a dangerous precedent because the colonies would certainly interpret this repeal as a sign of weakness; and if a false impression were given, the sovereignty of Parliament would be ruined in colonial estimation. On the other hand, if the Stamp Act was to be effective, the military would be required to enforce it.

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Likewise, consideration had to be given to the colonial boycott of British goods which dealt a heavy loss in British trade and commerce. Hence the question was proposed: Should the Stamp Act be repealed or simply modified in its more objectionable parts? The question involved the right of Parliament to tax the colonies, and it also took into consideration the commercial interests of the merchants and manufacturers whose trade with the colonies was a chief source of England's prosperity.

In December, 1765, the King opened Parliament by calling attention to the "matters of importance" which have occurred in the colonies and "which will demand the most serious attention of Parliament." Despite the admonition from the King, the session soon broke up without accomplishing any business except to issue writs of election to fill vacant seats. During the interval before the next session of Parliament, a meeting took place at the house of the Marquis of Rockingham to discuss the repeal of the Stamp Act but "the ministry found no regular or consistent plan of operation and mutual support." The second session of Parliament convened on January 14, 1766. Lively discussion and debate of the Stamp Act quickly ensued and the first item on the program was the examination of Benjamin Franklin before the House of Commons. Franklin's performance was remarkable.

4 Morgan, Stamp Act Crisis, p. 265.
considering the difficult position he faced, because he was keenly aware that by supporting the violent and defiant opposition from America he would merely strengthen Parliament's determination to exercise their authority over the colonies. Jockeying his answers, Franklin managed to sound vague enough on the knotty problems of America's attitude toward Parliamentary taxation, but he carefully asserted the claims of exemption from taxation within the limited boundaries of internal taxation. It seems quite clear that Franklin knew the American resistance to the Stamp Act did not rest solely on internal taxation but rather included all taxation. To insist on exemption from internal and external taxation before so important an assembly would be to the disadvantage of the colonies "since he knew the American claims of exemption were a stumbling block."

The examination presented Franklin with an opportunity to redeem himself before the American public, if such exoneration was necessary. Until this time the conduct of Franklin had been a bit puzzling, and people were not certain just what were his views on the Stamp Act. When the act was passed Franklin tended to accept it with a spirit of resignation which certainly did not please the colonists at home. Bitter accusations were leveled at him and some even went so far as to accuse him of collaborating with

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7 Morgan, Stamp Act Crisis, p. 275.
Grenville—a charge evidently unjust and ungrounded. Franklin saw the impossibility of preventing Parliament from passing the Stamp Act, for, as he admitted: "We might as well have hindered the sun's setting." In his correspondence with his wife Franklin expressed concern over the abuses charged against him, but he never made any formal declaration of his position which would refute the charges of his accusers. Instead he seems to have relied on his brilliant examination before the House of Commons to refute his critics. If they wanted evidence they could consult the pages of this document.\(^8\)

Over a hundred questions were fired at Franklin during his defense of the colonies. Members of the House asked him if the Americans would submit to the Stamp Act if it were modified with the obnoxious parts eliminated, and the tax reduced to some particular items of small account. Quite emphatically Franklin replied that "they will never submit to it."\(^9\) In response to another question Franklin once again affirmed the authority of Parliament to regulate trade "but a right to lay internal taxes was never supposed to be in Parliament, as we are not represented there."\(^10\) One member asked the difficult question by what reasoning the Colonists distinguished between internal and external taxes? Franklin answered:

"Many arguments have been lately used here to show them (the colon-

\(^8\) Crane, "Benjamin Franklin and the Stamp Act," p. 56.


\(^10\) Ibid.
ists) that there is no difference, and that if you have no right to
tax them internally, you have none to tax them externally, or make
any other law to bind them. At the present they do not so reason,
but in time they may possibly be convinced by these arguments. 11

This reply, which seems deliberately intended to be vague, seemed
to have satisfied the enquirer at the time. Asked if the colonies
could be obliged by any means to erase their resolutions and ack-
nowledge the right of Parliament to tax them, Franklin answered:
"None that I know of: they will never do it, unless compelled by
force of arms." 12 In response to many questions, Franklin repeat-
edly expressed the opinion that the power of taxation did not ex-
tend to the colonies since in this matter they were not within the
realm of Parliament's authority. "They (colonies) have assemblies
of their own, which are their parliaments." 13

As the debate over the repeal of the Stamp Act continued day
after day, Franklin wrote to his friend in America telling of the
progress being made and the success being achieved. He ardently
hoped that "no bad news of farther excesses in America may arrive
to strengthen our adversaries, and weaken the hands of our friends,
before this good work is quite completed." 14 Following Franklin on

11 Ibid., pp. 185-159.
12 Ibid., p. 160.
13 Ibid., p. 156.
14 The Works of Benjamin Franklin, ed by John Bigelow, IV
the defense stand was William Pitt whose power and influence everyone respected. His attitude concerning the repeal had been one big question mark, but now Pitt left no doubt in the minds of all present where he stood on the issue. He openly announced that "this kingdom has no right to lay a tax upon the colonies," while at the same time he asserted the authority of Parliament "to be sovereign and supreme, in every circumstance of government and legislation whatsoever." Pitt aroused the displeasure of other members when he made the clear distinction between legislation and the right of taxation which he considered "essentially necessary for liberty." With this distinction he was but phrasing the core of colonial opposition.

After Pitt had finished his speech Grenville rose to say a few words in self defense and in defense of Parliament's right to exercise the power of taxation over the colonies. He declared he could not understand the distinction between internal and external taxation since "they are the same in effect, and only differ in name." Americans have no legal claim for exemption from Parliamentary taxation since, in his opinion, taxation is part of the sovereign power England enjoys over her colonies. The rebuttal speech of William Pitt was delivered with much enthusiasm and directed squarely

15 *Parliamentary History*, p. 99.
16 Ibid., p. 100.
17 Ibid., p. 101.
at Grenville. "If the gentleman does not understand the difference between internal and external taxes, I cannot help it; but there is a plain distinction between taxes levied for the purposes of raising a revenue, and duties imposed for the regulation of trade, for the accomodation of the subject; although, in the consequences, some revenue might incidentally arise from the latter."18 Clearly this argument is identical with that in the pamphlet of Daniel Dulany who was the first to formulate this distinction. Pitt was of the opinion that the Americans "have been wronged," and he ended his talk with a plea that the "Stamp Act be repealed absolutely, totally, and immediately. That the reason for the repeal be assigned, because it was founded on an erroneous principle. At the same time, let the sovereign authority of this country over the colonies be asserted in as strong terms as can be devised, and be made to extend to every point of legislation whatsoever."19

Pitt's position created a sharp division among the members present. Few were willing to adopt his views since it denied the right of Parliamentary taxation over the colonies. From the discussions and debates it seems clear that many members of Parliament confused the distinction between the power to tax and the power to legislate, which was the colonial position, with the distinction between internal and external taxes, which was not the colonial

18 Ibid., p. 105.
19 Ibid., p. 108.
argument. William Pitt had distinguished the two arguments and made it clear which he favored. In his defense of the colonies he was ably assisted by two other important members of the House of Lords, Lord Shelburne and Lord Camden, who expressed the conviction that sovereign authority and the omnipotence of the legislature are favourite doctrines "but there are some things they cannot do." Camden explained that taxation and representation are inseparable and to take either from the colonial legislatures destroys the distinction between liberty and slavery.

When the issue came up for vote it is unlikely that the repeal would have been adopted had it not been for the Declaratory Act attached to the repeal. The main object of this act was to let the Americans know that Parliament was still boss over their affairs and that it had the right to make laws "in all cases whatsoever." The wording of the act is deliberately obscure and so phrased so that neither side would be offended. No mention is made of taxation so that the act could be interpreted in two ways. The all-inclusive phrase, "in all cases whatsoever," was interpreted by the Americans to mean the right to regulate trade, while to members of Parliament it meant the right to tax the colonies. As a result, the colonists misunderstood Parliament's declaration of rights just as Parliament misunderstood the colonists' declarations.

20 Ibid., p. 167.
21 Ibid., p. 178.
22 Morgan, Stamp Act Crisis, p. 277.
By February 22, 1766 the debates over the repeal of the Stamp Act came to an end and the welcome news was quickly sent to the colonies. Celebrations and great rejoicing expressed the reaction of the colonies. For the present the repeal satisfied both sides, but unfortunately it failed to eliminate the ambiguity in such controversial phrases as: "rights of Englishmen" and "supreme authority of Parliament." As one historian has observed: "Grenville had given meaning to one phrase, and the colonists to the other, which repeal of the Stamp Act could not erase." 23 Simply stated, the repeal did not effect any permanent settlement but merely provided temporary relief. Even though the immediate cause for the disturbance within the colonies had been removed, still the real sources of conflict which were much deeper remained to be solved. 24

The Stamp Act and its repeal brought about important consequences in the colonies and in England. Through this controversial piece of legislation Grenville unconsciously exposed vital issues which made it impossible to preserve peace and harmony between the two countries. It is said that George III, when he realized how far the colonies had drifted from the mother country, regretted signing the repeal of the Stamp Act. 25 After the revolution had ended and American Independence was won, British statesmen would

23 Ibid., p. 281.
25 Ibid., p. 164.
look back and point to the repeal of the Stamp Act as their first major mistake in dealing with the colonies. If at the time England had adopted a sterner policy, it is only speculation as to what might have been the consequent history and relationship between the two countries.

To the Americans, the repeal came as a decisive victory and this success only encouraged them the more. Quite naturally they credited themselves with the repeal although they failed to realize that the louder they protested and the more violence they dealt to the stamp collectors, the more determined were the members of Parliament to stand their ground. Instead of helping their cause they were really hindering it but still they prided themselves on this remarkable achievement. The repeal brought about a definite change in their attitude towards the mother country. Because many Americans did interpret the Stamp Act repeal as an evident sign of weakness, the time-honored respect for British Parliament was considerably diminished. The defeat prompted the colonists to be more bold and outspoken in their opposition to British rule. Overtones of contempt could be detected in colonial jubilation once the news of the repeal reached America. Much of the traditional friendship and esteem for the mother country which lingered until that time was pretty well shattered after 1766. Perhaps it is not too much to assert that the repeal of the Stamp Act marks the definite turning point of the colonial attitude towards England. The Sons of Liberty
boasted that in the face of determined American resistance the mother country was helpless. This sums up the new attitude which swept through the colonies.

The Stamp Act controversy highlighted important principles so fundamental in colonial life, namely their liberty and freedom. They came to be the common note of all colonial opposition which made possible such a strong united front. Liberty was regarded as something sacred, and any infringement must be resisted by every available means. "The spirit of liberty," writes a recent historian, "whether political, social, religious, or economic, was more deeply imbedded in the colonial mind than in colonial institutions." The Stamp Act hurt because it violated this fundamental principle. Although it is true that the stamp tax pinched the colonists from the economic angle--any regulation that takes money from men's pockets will always meet a certain amount of opposition--still the colonies were more deeply concerned with their right and liberty to tax themselves. The complaint of the colonial merchants emphasized the restriction on commercial freedom; printers took up the cry of liberty of the press, and lawyers argued for political freedom.

The Americans were determined from the beginning to preserve their liberty as they conceived it and not as it was interpreted for them by British Parliament. Freedom to tax themselves, freedom to gov-

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26 Ibid., p. 163.
27 Rossiter, Seedtime of the Republic, p. 117.
ern themselves, and freedom to carry on their own trade might well have been the top slogan headlines of the newspapers.

Along with these fundamental principles of liberty, the Stamp Act is significant for the effect it had on the colonial press. From the day the Act was passed until the present, the influence of the newspapers in shaping and molding public opinion has been recognized and respected. The Stamp Act presented a challenge to printers which they accepted and over which they eventually triumphed. Skillfully they united in fighting for the "liberty of the press," which they constantly charged the Stamp Act was oppressing. Working effectively and boldly in cooperation with other groups, especially the Sons of Liberty, the printers exercised the greatest influence in keeping alive public resistance to the Stamp Act legislation. When the act was at last repealed, stamp masters were given a clean sweep of the special burdens imposed upon them.28 It is little wonder that the newspaper men were so jubilant when the news of the repeal could be printed. They had fought and won a significant achievement which accorded them a new role in colonial life.

The following statement by Schlesinger is a good summary of the effect the Stamp Act and its consequent repeal had on the printers and the press. "No longer mere purveyors of intelligence, they had become engines of opinion. By braving with impunity constituted

28 Miller, p. 162.
authority and asserting their right to criticize they had demonstrated the power of the press and earned the lasting regard of their countrymen."29 Evoking the power of the press certainly proved to be an unanticipated consequence of the Stamp Act. It had revolutionized American journalism.30

Viewing the Stamp Act more from the British angle, it became clear to some British statesmen that a new relationship must be defined between England and her American colonies. The colonies would no longer consent to be a source of revenue for England; they did not exist for the sheer prosperity of the mother country. The debates over the repeal of the Stamp Act reveal that British officials had always assumed the colonies were subordinate and dependent on Parliament. They revealed the sovereignty of Britain's Parliament extended to all her colonies with a power and authority that was unlimited. This had been the unquestionable law, but now that law could no longer be applied without serious and dangerous opposition. The Americans were asking the British government to "quietly drop overboard the theory of Parliamentary sovereignty as far as the empire is concerned."31 When the repeal of the Stamp Act was pushed through, Parliament split on this vital issue of the extent of its power. Edmund Burke and William Pitt, hailed as heroes by the

29 Schlesinger, Prelude to Independence, p. 82.
31 Randolph Adams, Political Ideas of the American Revolution, p. 144.
colonists, constantly argued that Parliament did not have the right to tax the colonies; this was not included under its supremacy simply because the Americans were in no way represented in Parliament. They even warned that if the doctrine of Parliamentary supremacy was uncompromisingly maintained, the Empire would not hold together. From our present vantage point, the lesson seems clear but there were few contemporary British politicians who grasped the serious situation and the menace that threatened to ruin the unity of the British Empire.

The Stamp Act controversy exposed some of the basic differences in the two systems of government and showed that these conflicting views could not be reconciled. The British constitution could not meet the new demands and new way of life to which the colonists had grown accustomed. Even under the present new imperial policy the colonists quickly became convinced that their rights were insecure and their notion of freedom seriously restricted. Despite the fact that American political principles and traditions were carried over from England, still the colonists had come to look upon political liberty, both in theory and practice, in an entirely different light from that of the English. "Historical chance and varied environment," says Van Tyne, "created differences in methods of attaining and enjoying political liberty which proved fatal to union. Principles and practices between the two countries varied so widely

32 Van Tyne, p. 235.
that cooperation and harmony faltered. The Stamp Act crisis revealed the determined position of each side. Concession on any one major issue, such as representation, would imply a radical change in government. The British held to their long established principles while the Americans defended their recently evolved practices. As a result the "fight over the repeal had clearly brought out the inherent difference in view between rulers and ruled in an empire in which the latter were arriving at the point where they were not only self-conscious but conscious of their strength."33

The policy of Grenville led directly to an enquiry into the relationship between Britain and America. Much was questioned, debated, and denied which previously had been taken for granted. Growing in political maturity, the colonists naturally resented anything like the subordination which the supremacy of Parliament implied as interpreted by the British.34 When the repeal actually did come, it was accompanied by the Declaratory Act which was useless because it failed to take into consideration the determination of the colonies to govern themselves. Already the colonies had made up their mind not to let Parliament tax them. The strategic retreat attempted by Parliament really settled nothing since the same problems had to be faced. Conflicting principles cannot be

33 Adams, Revolutionary New England, p. 344.

34 Beer, British Colonial Policy, p. 312.
brushed aside and ignored. Morgan contends that "in the last analysis the significance of the Stamp Act crisis lies in the emergence, not of leaders and methods and organizations, but of well-defined constitutional principles. The resolutions of the colonial and the intercolonial assemblies in 1765 laid down the line on which Americans stood until they cut their connections with England." After the Stamp Act crisis had subsided there was a clear indication that the two countries were drifting apart. In the not too distant future this separation would be completed, not by force of arguments but by force of arms.

35 Morgan, p. 295.
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B. ARTICLES


The thesis submitted by Clement H. Metzger, S.J., has been read and approved by three members of the Department of History.

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated, and that the thesis is now given final approval with reference to content, form, and mechanical accuracy.

The thesis is therefore accepted in partial fulfillment of the requirements for the degree of Master of Arts.

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Signature of Adviser: Charles H. Metzger, S.J.