

3. The Declarations of the Stamp Act Congress, 1765

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty to his Majesty's person and government; inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; . . . make the following declarations, of our humble opinion, respecting the most essential rights and liberties of the colonists, and of the grievances under which they labour, by reason of several late acts of Parliament.

I. That his Majesty's subjects in these colonies, owe the same allegiance to the Crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body, the Parliament of Great Britain.

II. That his Majesty's liege subjects in these colonies are entitled to all the inherent rights and liberties of his natural born subjects within the kingdom of Great Britain.

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes should be imposed on them, but with their own consent, given personally, or by their representatives.

IV. That the people of these colonies are not, and from their local circumstances, cannot be represented in the House of Commons in Great Britain.

V. 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 legislature.

VI. That all supplies to the Crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to his Majesty the property of the colonists.

VII. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

VIII. That the late Act of Parliament, entitled, An Act for granting and applying certain Stamp Duties, . . . by imposing taxes on the inhabitants of these colonies, and the said Act, and several other Acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

IX. That the duties imposed by several late Acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burdensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

"The Declarations of the Stamp Act Congress, 1765." As found in *English Historical Documents*, ed. David C. Douglas (London: E. Methuen, 1979), vol. IX, pp. 642-673.

X. That as the profits of the trade of these colonies ultimately centre in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

XI. That the restrictions imposed by several late Acts of Parliament, on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

XII. That the increase, prosperity and happiness of these colonies, depend on the full and free enjoyment of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

XIII. That it is the right of the British subjects in these colonies, to petition the king or either house of Parliament.

Lastly, that it is the indispensable duty of these colonies to the best of sovereigns, to the mother country, and to themselves, to endeavour by a loyal and dutiful address to his Majesty, and humble applications to both houses of Parliament, to procure the repeal of the Act for granting and applying certain stamp duties, of all clauses of any other Acts of Parliament, whereby the jurisdiction of the admiralty is extended as aforesaid, and of the other late Acts for the restriction of American commerce.

4. "William Pym" Asserts Parliamentary Supremacy, 1765

The people in our American colonies lay a very great stress upon the importance of their charters, and imagine that the privileges granted to their ancestors, at the time of their original establishment, must infallibly exempt them from participating in the least inconvenience of the Mother country, though the Mother country must share in every inconvenience of theirs. This mode of reasoning is however no less new than it is extraordinary: and one would almost be tempted to imagine that the persons, who argue in this manner, were alike unacquainted with the nature of the colonies and the constitution of this kingdom.

I shall very readily grant, that the colonies at the time of their first settling might receive particular indulgences from the Crown, to encourage adventurers to go over; and I will also grant, that these charters should be as inviolably adhered to as the nature of public contingencies will admit. But at the same time let me inform my fellow subjects of America, that a resolution of the British parliament can at any time set aside all the charters that have ever been granted by our monarchs; and that consequently nothing can be more idle than this pompous exclamation about their charter exemptions, whenever such a resolution has actually passed.

The great business of the British Legislative power is, to consult upon what new laws may be necessary for the general good of the British dominions, and to remove any casual inconveniences which may arise from the existence of their former acts. In the prosecution of this important end, they cannot expect but what the most salutary laws will prove oppressive to some part of the people. However

"William Pym' Asserts Parliamentary Supremacy," *London General Evening Post*, August 20, 1765. As found in Edmund S. Morgan, ed., *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis, 1764-1766* (New York: W. W. Norton, 1973), 97-99.

no injury, which may be sustained by individuals, is to prevent them from promoting the welfare of the community; for if they debated till they framed an ordinance agreeable to the wishes of every body, 'twould be utterly impossible for them ever to frame any ordinance at all.

If then the Legislative power of this country have a right to alter or annul those public acts which were solemnly passed by former princes and former parliaments; it must be a necessary consequence that they have an equal right to annul the private charters of former princes also; and that these charters, which are by no means to be set in the same degree of importance with our laws, are at least every whit as subject to their jurisdiction and authority. This is a circumstance which the assembly of Virginia in particular should have attended to before their late unaccountable resolutions; and 'tis what I hope the assemblies of our other settlements will judiciously attend to, if they find the least propensity to follow the extraordinary example of their Sister-colony.

The people of Ireland, though they have a parliament of their own (and a parliament, I will take the liberty of saying, composed of people to the full as eminent for their fortune and abilities, as any of our American assemblies) are nevertheless under the immediate subjection of the British Legislature. The vote of an English Senate can in an instant abrogate all the laws of that kingdom; and surely none of the plantations can possibly plead a greater share either of merit or privileges than our Irish fellow subjects; who nevertheless behave with an uncommon degree of respect to our decisions; and never presume to blame the hand which increases their burdens, however they may groan beneath the heaviness of the load.

I am very well aware that the present impatience, which the whole kingdom feels at the least increase of taxes, will naturally create a number of friends for the colonies: but at the same time let us consider that the propriety of the tax, which has excited such a ferment among our American fellow-subjects, is not now the foundation of dispute. The question now is, Whether those American subjects are, or are not, bound by the resolutions of a British parliament? If they are *not*, they are entirely a separate people from us, and the mere reception of officers appointed in this kingdom, is nothing but an idle farce of government, which it is by no means our interest to keep up, if it is to produce us no benefit but the honour of protecting them whenever they are attacked by their enemies. On the other hand, if the people of America *are* bound by the proceedings of the English legislature, what excuse can the Virginians possibly make for the late indecent vote (to give it no harsher appellation) of their assembly. The present crisis, Sir, is really an alarming one; and after all the blood and treasure which we have expended in defence of the colonies, it is now questioned, whether we have any interest in those colonies at all.

If the people of Virginia were offended either with the tax itself, or with the mode of taxation, the proper method of proceeding would have been to petition the parliament, to point out the grievances arising from it, and to solicit the necessary redress. This is the invariable manner in which all the rest of their fellow-subjects (at least the European part of their fellow subjects) have acted in cases of a like nature. But to think of bullying their King, and the august Council of the Mother country, into an acquiescence with their sentiments, by a rash and hot headed vote; not only must expose them to the ridicule, but to the resentment of every considerate man who wishes well either to their interest or to the prosperity of this kingdom.

The people of the colonies know very well that the taxes of the Mother country are every day increasing; and can they expect that no addition whatsoever will be made to theirs? They know very well that a great part of our national debt was contracted in establishing them on a firm foundation, and protecting them from the arbitrary attempts of their implacable enemies.—Can anything then be so unreasonable, as a refusal of their assistance to wipe a little of it off? For my own part I am as much astonished at their want of justice, as I am surprized at their want of gratitude; and cannot help declaring it as my opinion, that we ought to shew but a very small share of sensibility for the circumstances of those people who are so utterly regardless of ours. To be sure, Sir, in assisting the colonies we had an eye to our own interest. It would be ridiculous otherwise to squander away our blood and our treasure in their defence. But certainly the benefit was mutual; and consequently the disadvantage should be mutual too. If we reap emoluments from the existence of the colonies, the colonies owe every thing to our encouragement and protection. As therefore we share in the same prosperity, we ought to participate of the same distress; and nothing can be more inequitable, than the least disinclination to bear a regular portion of those disbursements, which were applied to support the general interest both of the mother-country and themselves.

5. The House of Commons Questions Benjamin Franklin, 1766

Q. What is your name, and place of abode?

A. Franklin, of Philadelphia.

Q. Do the Americans pay any considerable taxes among themselves?

A. Certainly many, and very heavy taxes.

Q. What are the present taxes in Pennsylvania, laid by the laws of the colony?

A. There are taxes on all estates real and personal, a poll tax, a tax on all offices, professions, trades and businesses, according to their profits; an excise on all wine, rum, and other spirits; and a duty of Ten Pounds per head on all Negroes imported, with some other duties.

Q. For what purposes are those taxes laid?

A. For the support of the civil and military establishments of the country, and to discharge the heavy debt contracted in the last war.

Q. How long are those taxes to continue?

A. Those for discharging the debt are to continue till 1772, and longer, if the debt should not be then all discharged. The others must always continue. . . .

Q. Are not the Colonies, from their circumstances, very able to pay the stamp duty?

A. In my opinion, there is not gold and silver enough in the Colonies to pay the stamp duty for one year. . . .

Q. Do you think it right that America should be protected by this country, and pay no part of the expence?

A. That is not the case. The Colonies raised, clothed and paid, during the last war, near 25000 men, and spent many millions.

Q. Were you not reimbursed by parliament?

A. We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about 500,000 Pounds, and the reimbursements, in the whole, did not exceed 60,000 Pounds.

Q. You have said that you pay heavy taxes in Pennsylvania; what do they amount to in the Pound?

A. The tax on all estates, real and personal, is Eighteen Pence in the Pound, fully rated; and the tax on the profits of trades and professions, with other taxes, do, I suppose, make full Half a Crown in the Pound. . . .

Q. Do not you think the people of America would submit to pay the stamp duty, if it was moderated?

A. No, never, unless compelled by force of arms. . . .

Q. How is the assembly composed? Of what kinds of people are the members, landholders or traders?

A. It is composed of landholders, merchants and artificers.

Q. Are not the majority landholders?

A. I believe they are. . . .

Q. What was the temper of America towards Great-Britain before the year 1763?

A. The best in the world. They submitted willingly to the government of the Crown, and paid, in all their courts, obedience to acts of parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons or armies, to keep them in subjection. They were governed by this country at the expence only of a little pen, ink and paper. They were led by a thread. They had not only a respect, but an affection, for Great-Britain, for its laws, its customs and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with particular regard; to be an Old England-man was, of itself, a character of some respect, and gave a kind of rank among us.

Q. And what is their temper now?

A. O, very much altered.

Q. Did you ever hear the authority of parliament to make laws for America questioned till lately?

A. The authority of parliament was allowed to be valid in all laws, except such as should lay internal taxes. It was never disputed in laying duties to regulate commerce. . . .

Q. In what light did the people of America use to consider the parliament of Great-Britain?

A. They considered the parliament as the great bulwark and security of their liberties and privileges, and always spoke of it with the utmost respect and veneration. Arbitrary ministers, they thought, might possibly, at times, attempt to oppress them; but they relied on it, that the parliament, on application, would always give redress. They remembered, with gratitude, a strong instance of this, when a bill was brought into parliament, with a clause to make royal instructions laws in the Colonies, which the house of commons would not pass, and it was thrown out.

Q. And have they not still the same respect for parliament?

A. No; it is greatly lessened.

Q. To what causes is that owing?

A. To a concurrence of causes; the restraints lately laid on their trade, by which the bringing of foreign gold and silver into the Colonies was prevented; the prohibition of making paper money among themselves; and then demanding a new and heavy tax by stamps; taking away, at the same time, trials by juries, and refusing to receive and hear their humble petitions.

Q. Don't you think they would submit to the stamp-act, if it was modified, the obnoxious parts taken out, and the duty reduced to some particulars, of small moment?

A. No; they will never submit to it. . . .

Q. What is your opinion of a future tax, imposed on the same principle with that of the stamp-act; how would the Americans receive it?

A. Just as they do this. They would not pay it.

Q. Have you not heard of the resolutions of this house, and of the house of lords, asserting the right of parliament relating to America, including a power to tax the people there?

A. Yes, I have heard of such resolutions.

Q. What will be the opinion of the Americans on those resolutions?

A. They will think them unconstitutional, and unjust.

Q. Was it an opinion in America before 1763, that the parliament had no right to lay taxes and duties there?

A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never supposed to be in parliament, as we are not represented there. . . .

Q. You say the Colonies have always submitted to external taxes, and object to the right of parliament only in laying internal taxes; now can you shew that there is any kind of difference between the two taxes to the Colony on which they may be laid?

A. I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the first cost, and other charges on the commodity, and when it is offered to sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives. The stamp-act says, we shall have no commerce, make no exchange of property with each other, neither purchase nor grant, nor recover debts; we shall neither marry, nor make our wills, unless we pay such and such sums, and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it.

Q. But supposing the external tax or duty to be laid on the necessaries of life imported into your Colony, will not that be the same thing in its effects as an internal tax?

A. I do not know a single article imported into the Northern Colonies, but what they can either do without, or make themselves.

Q. Don't you think cloth from England absolutely necessary to them?

A. No, by no means absolutely necessary; with industry and good management, they may very well supply themselves with all they want.

Q. Will it not take a long time to establish that manufacture among them? and must they not in the mean while suffer greatly?

A. I think not. They have made a surprising progress already. And I am of opinion, that before their old clothes are worn out, they will have new ones of their own making. . . .

Q. Did the Americans ever dispute the controlling power of parliament to regulate the commerce?

A. No.

Q. Can any thing less than a military force carry the stamp-act into execution?

A. I do not see how a military force can be applied to that purpose.

Q. Why may it not?

A. Suppose a military force sent into America, they will find nobody in arms; what are they then to do? They cannot force a man to take stamps who chooses to do without them. They will not find a rebellion; they may indeed make one.

Q. If the act is not repealed, what do you think will be the consequences?

A. A total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection.

Q. How can the commerce be affected?

A. You will find, that if the act is not repealed, they will take very little of your manufactures in a short time.

Q. Is it in their power to do without them?

A. I think they may very well do without them. . . .

Q. Suppose an act of internal regulations, connected with a tax, how would they receive it?

A. I think it would be objected to.

Q. Then no regulation with a tax would be submitted to?

A. Their opinion is, that when aids to the Crown are wanted, they are to be asked of the several assemblies, according to the old established usage, who will, as they always have done, grant them freely. And that their money ought not to be given away without their consent, by persons at a distance, unacquainted with their circumstances and abilities. The granting aids to the Crown, is the only means they have of recommending themselves to their sovereign, and they think it extremely hard and unjust, that a body of men, in which they have no representatives, should make a merit to itself to giving and granting what is not its own, but theirs, and deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights.

Q. But is not the post-office, which they have long received, a tax as well as a regulation?

A. No; the money paid for the postage of a letter is not of the nature of a tax; it is merely a quantum meruit for a service done; no person is compellable to pay the money, if he does not chuse to receive the service. A man may still, as before the act, send his letter by a servant, a special messenger, or a friend, if he thinks it cheaper and safer. . . .

Q. You say they do not object to the right of parliament in laying duties on goods to be paid on their importation; now, is there any kind of difference between a duty on the importation of goods, and an excise on their consumption?

A. Yes; a very material one; an excise, for the reasons I have just mentioned, they think you can have no right to lay within their country. But the sea is yours; you

maintain, by your fleets, the safety of navigation in it; and keep it clear of pirates; you may have therefore a natural and equitable right to some toll or duty on merchandizes carried through that part of your dominions, towards defraying the expence you are at in ships to maintain the safety of that carriage. . . .

Q. What do you think a sufficient military force to protect the distribution of the stamps in every part of America?

A. A very great force; I can't say what, if the disposition of America is for a general resistance. . . .

Q. If the stamp act should be repealed, would not the Americans think they could oblige the parliament to repeal every external tax law now in force? . . .

A. I suppose they will think that it was repealed from a conviction of its inexpediency; and they will rely upon it, that while the same inexpediency subsists, you will never attempt to make such another. . . .

Q. If the act should be repealed, and the legislature should shew its resentment to the opposers of the stamp-act, would the Colonies acquiesce in the authority of the legislature? What is your opinion they would do?

A. I don't doubt at all, that if the legislature repeal the stamp-act, the Colonies will acquiesce in the authority.

Q. But if the legislature should think fit to ascertain its right to lay taxes, by any act laying a small tax, contrary to their opinion, would they submit to pay the tax?

A. The proceedings of the people in America have been considered too much together. The proceedings of the assemblies have been very different from those of the mobs, and should be distinguished, as having no connection with each other. The assemblies have only peaceably resolved what they take to be their rights; they have taken no measures for opposition by force; they have not built a fort, raised a man, or provided a grain of ammunition, in order to such opposition. The ringleaders of riots they think ought to be punished; they would punish them themselves, if they could. Every sober sensible man would wish to see rioters punished; as otherwise peaceable people have no security of person or estate. But as to any internal tax, how small soever, laid by the legislature here on the people there, while they have no representatives in this legislature, I think it will never be submitted to. They will oppose it to the last. They do not consider it as at all necessary for you to raise money on them by your taxes, because they are, and always have been, ready to raise money by taxes among themselves, and to grant large sums, equal to their abilities, upon requisition from the Crown. . . . America has been greatly misrepresented and abused here, in papers, and pamphlets, and speeches, as ungrateful, and unreasonable, and unjust, in having put this nation to immense expence for their defence, and refusing to bear any part of that expence. The Colonies raised, paid and clothed, near 25000 men during the last war, a number equal to those sent from Britain, and far beyond their proportion; they went deeply into debt in doing this, and all their taxes and estates are mortgaged, for many years to come, for discharging that debt. Government here was at that time very sensible of this. The Colonies were recommended to parliament. Every year the King sent down to the house a written message to this purpose, That his Majesty, being highly sensible of the zeal and vigour with which his faithful subjects in North-America had exerted themselves, in defence of his Majesty's just

rights and possessions, recommended it to the house to take the same into consideration, and enable him to give them a proper compensation. You will find those messages on your own journals every year of the war to the very last, and you did accordingly give 200,000 Pounds annually to the Crown, to be distributed in such compensation to the Colonies. This is the strongest of all proofs that the Colonies, far from being unwilling to bear a share of the burthen, did exceed their proportion; for if they had done less, or had only equalled their proportion, there would have been no room or reason for compensation. Indeed the sums reimbursed them, were by no means adequate to the expence they incurred beyond their proportion; but they never murmured at that; they esteemed their Sovereign's approbation of their zeal and fidelity, and the approbation of this house, far beyond any other kind of compensation; therefore there was no occasion for this act, to force money from a willing people; they had not refused giving money for the purposes of the act; no requisition had been made; they were always willing and ready to do what could reasonably be expected from them, and in this light they wish to be considered. . . .

Q. If the stamp-act should be repealed, would it induce the assemblies of America to acknowledge the rights of parliament to tax them, and would they erase their resolutions?

A. No, never.

Q. Is there no means of obliging them to erase those resolutions?

A. None that I know of; they will never do it unless compelled by force of arms.

Q. Is there a power on earth that can force them to erase them?

A. No power, how great soever, can force men to change their opinions. . . .

Q. What used to be the pride of the Americans?

A. To indulge in the fashions and manufactures of Great-Britain.

Q. What is now their pride?

A. To wear their old cloaths over again, till they can make new ones.

The Assertion of Parliamentary Control and Its Significance

EDMUND S. AND HELEN M. MORGAN

When George Grenville tightened up the administration of the colonial customs service and revised the rates to make them produce a revenue, he knew that he was only beginning, that the colonies could and should contribute more to the cost of their defence. During the summer of 1763 he had already begun to consider the possibility of a stamp tax, and had assigned two different individuals to prepare drafts of an American Stamp Act. When these were presented to him on September 30, 1763, and October 10, 1763, respectively, he found neither satisfactory. The men who drew them up simply did not know the details of American judicial procedures well enough to name and describe the documents upon which a tax should be collected. In fact it is unlikely that anyone in the offices at Whitehall knew enough. Consequently, although Grenville was anxious to increase the revenue as rapidly as possible, a stamp tax would have to wait until the necessary information could be gathered.

Since he could not present Parliament with an American Stamp Act in the spring of 1764, why did Grenville offer his resolution that one might be proper in the future? Why not wait until he had it ready, before introducing the subject? . . . Grenville was worried, though probably not greatly, about the reaction to a stamp tax both in Parliament and in the colonies. . . . Legislative bodies are not fond of

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setting limits on their own competence, and Parliament had long since accustomed itself to the idea of its own omnipotence. Yet Grenville had heard hints dropped outside Parliament. Perhaps he knew that his great brother-in-law did not share the general view, and a view which William Pitt did not share was possibly not so general after all. One way to establish its acceptance, however, was by a Parliamentary resolution. Once Parliament agreed that it had the right to levy stamp duties in the colonies, it was not likely to reverse its opinion when asked to exercise the right. . . .

There was also the question of how a stamp act would be received in the colonies. Grenville saw a way to take care of this problem too with his advance resolution: when introducing it to Parliament he managed to maneuver the colonists into a position where a stamp act would appear to be the result of their own failure to come to the assistance of the mother country in an hour of need. . . . There is no official record of what he said in Parliament on March 9, 1764, and in the several accounts by private hands most of the space is devoted to his remarks on the deplorable condition of English finances and his explanation of the resolutions which were to form the basis of the Sugar Act. With regard to the fifteenth resolution (which affirmed that a stamp tax might be necessary), the accounts are meager, but a few facts stand out: Grenville announced that he wished no action on this subject until the next session, that his reason for delay was a desire to consult the ease, the interest (or the quiet), and the good will of the colonies, and that the colonies might take advantage of the delay to offer any objections they might have to the tax, or to suggest some more satisfactory tax, or—and here was the most misleading suggestion—to raise the money themselves in any way they saw fit. . . .

Grenville definitely proposed in his speech of March 9, that the colonies might avert the stamp tax. If they would prefer to tax themselves rather than be taxed by Parliament they had a year in which to take action. Having made this magnanimous gesture, Grenville put in motion the machinery for drawing up a stamp bill to present to the next session of Parliament. For reasons that will become apparent Grenville was probably certain that the colonies would do nothing, and he wanted to have his bill ready by 1765. He gave to Thomas Whately in the treasury office the task of preparing it, and Whately wrote to persons he knew in America to get the necessary information. . . .

While Thomas Whately was busy preparing the Stamp Act, the colonial agents, to say nothing of the colonists, were puzzling over the meaning of the alternative proposal that Grenville had made in his speech of March 9. For a reason which is obvious enough if we assume that Grenville had already made up his mind to have a stamp tax, he had not communicated the proposal to the colonial assemblies through the channel normally used. Had he really intended to allow the colonies a chance to raise the money themselves, he would have made his offer in the regular manner by having the Secretary of State for the Southern Department write to the governors of the colonies. . . .

Yet in spite of the fact that Grenville did not make the offer in proper form, he did make it, and the agents did report it to their constituents. . . . The agents, before they could have had time to hear from their constituents about it, decided to have a talk with the Minister. He met them on May 17, 1764, in a conference which was afterwards described in some detail by three of the participants.

Grenville opened by stating that he had not changed his mind, but he then proceeded to propose something he had not so much as mentioned in his speech. The agents were trying to find out "the sort of proposition, which would probably be accepted from them to Parliament," in other words how much he wanted the colonies to raise. But Grenville, rather than stating the sum he wanted from them, now proposed that they assent in advance to the Parliamentary tax and thereby set a precedent for being consulted about any future taxes! He also spoke strongly of the difficulties which "would have" attended any scheme of letting them tax themselves, as though that issue were closed. But he did not expressly repudiate his offer; and the agents, although they could not help seeing that he was discouraging action by the colonies, apparently did not recognize that he was precluding it. They did not, however, press for a statement of the exact sum with which the colonies might satisfy him. Grenville had steered the conference beyond that subject, and they probably feared to upset his evident good humor by insisting on a matter so obviously distasteful. They must prolong the conference and find out, if possible, the terms of the act he expected to bring in if the colonies did not raise the money themselves. They must know the terms, one of the agents explained, "in order that our respective constituents might have the whole, both substance and form under their deliberation, when they would be far better able to determine whether or how far, to approve or disapprove." But the details of the act were, of course, unknown to Grenville himself, for it had not yet been drawn up. Israel Mauduit [Massachusetts' agent] pointed out that to ask the colonies to assent in advance to a bill without giving the provisions of it was asking them "to assent to they did not know what." To this Grenville answered simply that it was not necessary to bother with details, "That everyone knew the stamp laws here; and that this Bill is intended to be formed upon the same plan." He did agree to consult with the agents on this matter just before the meeting of Parliament, provided that in the meantime the colonial assemblies should signify their assent to the general idea of a stamp tax. He warned that any protests based on the financial inability of the colonies to pay would carry little weight in Parliament. In his speech of March 9 he had already made it plain that he would listen to nothing which called in question the right of Parliament to levy the tax, so that he left the colonies very little room either for criticism or for constructive action.

It is evident from this conference that Grenville was determined upon a stamp tax. Though he was willing to make magnanimous gestures, he had no intention of allowing the colonies to prevent passage of his measure either by objections to it or by raising an "equivalent" sum. They would not thwart him by levying a substitute tax themselves: by withholding the necessary information he made sure of that. . . .

It was only when a colony set about to tax itself that the hollowness of Grenville's offer became apparent. Massachusetts made the attempt. Though Governor Bernard was convinced that the Ministry really intended to let the colonies raise all internal taxes themselves, yet when several members of the Assembly approached him in the summer of 1764, asking for a special session in order that the colony might tax itself to avoid being taxed by Parliament, Bernard refused, because he saw that nothing could be done without more information from Grenville. He related the entire incident to his friend Richard Jackson, in a letter dated at Boston, August 18, 1764. . . .

This letter shows plainly enough why the colonies did not take advantage of Grenville's offer to let them tax themselves. Not only was the offer never made them in a regular manner by letters from the Secretary of State, but it was never couched in terms that were definite enough to permit of action. Several colonies signified their willingness to contribute if requested in a regular manner for a specific sum, but such a request was never made.

What the colonies did do was to take up the challenge which Grenville had thrown to Parliament and which Parliament had endorsed and passed on to them. The Americans read the fifteenth resolution correctly, as a declaration of Parliament's right to tax them. And since the challenge was no more than a declaration, albeit by a body which regarded its own declarations as final, they replied in the mode, infuriating to omnipotence, of talking back. In the petitions to Parliament and letters to their agents . . . they denied that Parliament had any right to tax them. This denial was by no means limited to the dusky halls of legislative assemblies. The people at large were as much concerned over the measure as their representatives. Jared Ingersoll, in answer to Thomas Whately's inquiries, warned the man who was drafting the Stamp Act, that the minds of the people "are filled with the most dreadfull apprehensions from such a Step's taking place, from whence I leave you to guess how Easily a tax of that kind would be Collected; tis difficult to say how many ways could be invented to avoid the payment of a tax laid upon a Country without the Consent of the Legislature of that Country and in the opinion of most of the people Contrary to the foundation principles of their natural and Constitutional rights and Liberties. Dont think me impertinent, Since you desire Information, when I tell you that I have heard Gentlemen of the greatest property in Neighbouring Governments say, Seemingly very Cooly, that should such a Step take place they would immediately remove themselves with their families and fortunes into some foreign Kingdom." Ingersoll also told Whately, much as Bernard had told Jackson, that "If the King should fix the proportion of our Duty, we all say we will do our parts in the Common Cause, but if the Parliament once interpose and Lay a tax, tho' it may be a very moderate one . . . what Consequences may, or rather may not, follow?" . . .

If Parliament was not as aware as Grenville that its authority in America needed support, the colonists themselves completed the awakening. As the protests from across the ocean poured into England, Parliamentary hackles rose, and the Minister could rejoice, for, as he had calculated, the members reacted to the denial of their authority with the wrath of injured dignity. The unfortunate colonial agents, fighting frantically to stave off the coming blow, saw that because of their clients' declarations the battle was being transformed into a test of Parliament's authority. The main issue was no longer raising a revenue, but putting the Americans in their place. . . .

By this time the situation was becoming desperate. Parliament was due to open, and though a good deal of propaganda had been published, most of it probably at the instigation of the agents, there was no organized opposition in the House of Commons to contest the bill when Grenville should bring it in. The agents decided to make one last attempt to stop the tax at its source and deputed four of their number to call on the Minister again and point out to him that most of the colonies had expressed their willingness to contribute to the British Treasury if called upon to do so in a regular, constitutional manner. The agents . . . met with Grenville on February 2, 1765. . . .

When the conference of February 2 was over the agents must have realized at last that Grenville's offer had never been made in good faith, that a year ago, even while making the offer, he had already made up his mind to levy a stamp tax. The willingness he had then expressed to let the colonies tax themselves or offer objections was nothing more than a rhetorical gesture, designed to demonstrate his own benevolence. In the conference of February 2, 1765, he even told the agents that "he had pledged his Word for Offering the Stamp Bill to the house." What he had given the colonies was not an opportunity to tax themselves but an opportunity to refuse to tax themselves.

In the time that was left the agents continued their preparation for the ensuing battle in Parliament, but the impudence of the Americans had so irritated the law-makers, that the issue was a foregone conclusion. . . . Even the most eloquent opponents of the tax spoke in terms of equity and expediency and did not venture to deny the absolute authority of Parliament.

The staunchest supporter of the colonies in this first debate was Colonel Isaac Barré, a veteran of the French and Indian War. According to one observer, "He most strongly recommended that if there must be a tax laid, tho' he could wish there was to be none, that the Provinces might be indulged with the liberty as heretofore of furnishing their quotas of any sums required and collecting it in their own modes." Barré, in other words, advocated the proposal that Grenville himself had first made but failed to carry through. Charles Townshend, author-to-be of the Townshend Duties, spoke with some warmth in the debate, asking on one occasion: "And now will these Americans, Children planted by our Care, nourished up by our Indulgence untill they are grown to a Degree of Strength and Opulence, and protected by our Arms, will they grudge to contribute their mite to relieve us from the heavy weight of that burden which we lie under?" To this Barré answered with words that would soon make him famous throughout the American Colonies:

They planted by your Care? No! your Oppressions planted em in America. They fled from your Tyranny to a then uncultivated and unhospitable Country—where they exposed themselves to almost all the hardships to which human Nature is liable, and among others to the Cruelties of a Savage foe, the most subtle and I take upon me to say the most formidable of any People upon the face of Gods Earth. And yet, actuated by Principles of true english Lyberty, they met all these hardships with pleasure, compared with those they suffered in their own Country, from the hands of those who should have been their Friends.

They nourished by *your* indulgence? they grew by your neglect of Em: as soon as you began to care about Em, that Care was Exercised in sending persons to rule over Em, in one Department and another, who were perhaps the Deputies of Deputies to some Member of this house—sent to Spy out their Lyberty, to misrepresent their Actions and to prey upon Em; men whose behaviour on many Occasions has caused the Blood of those Sons of Liberty to recoil within them; men promoted to the highest Seats of Justice, some, who to my knowledge were glad by going to a foreign Country to Escape being brought to the Bar of a Court of Justice in their own.

They protected by *your* Arms? they have nobly taken up Arms in your defence, have Exerted a Valour amidst their constant and Laborious industry for the defence of a Country, whose frontier, while drench'd in blood, its interior Parts have yielded all its little Savings to your Emolument. And believe me, remember I this Day told you so, that same Spirit of freedom which actuated that people at first, will accompany them

still.—But prudence forbids me to explain myself further. God knows I do not at this Time speak from motives of party Heat, what I deliver are the genuine Sentiments of my heart.

Even Barré's eloquence, which did not, after all, deny the authority of Parliament, could not alter the determination of the members to prove their unlimited authority by taxing the colonies. . . . The sentiment in favor of the tax was so strong that the opposition, instead of bringing the matter to a vote on the immediate question, tried to get through a vote to adjourn. . . . The motion was lost by a vote of 245 to 49, taken at about midnight, and on the following day the House of Commons passed, without a division, the fifty-five resolutions which formed the basis of the Stamp Act.

Grenville, having thus secured the approval of Parliament, brought in the bill itself on February 13. It received its first reading then and its second on February 15. This was the crucial reading, and the opposition prepared to present petitions against it. . . .

The refusal of Parliament to hear these petitions did not pass without debate. General Conway . . . was the principal defender of the colonies at this juncture. He made a telling point when he reminded the members that they had postponed the Stamp Act the preceding year in order to give the colonies time to send messages representing their objections to it. "This time has been given," said Conway. "The Representations are come from the Colonies; and shall we shut our Ears against that Information, which, with an Affectation of Candour, we allotted sufficient Time to reach us? . . . [F]rom whom, unless from themselves, are we to learn the Circumstances of the Colonies, and the fatal Consequences that may attend the imposing of this Tax?"

Conway's plea on February 15 was no more effective than Barré's had been on February 6; . . . and by March 22 the Stamp Act was a statute of the realm. It remained to be seen whether it would establish, or destroy, the authority of Parliament in America. . . .

One of the principal arguments which the opposition had used against repeal of the Stamp Act was that the colonies would interpret it as a sign of weakness, that whatever reason Parliament assigned for repeal, the Americans would believe that their own resistance had been the real cause. The friends of the colonies took care to inform their correspondents in America that the violence against the stamp distributors had prolonged the struggle for repeal and had even threatened to prevent it entirely. Letters sent by the committee of merchants in London to the merchants of the principal towns and cities of North America urged the Americans not to exult in the victory as a point gained over Parliamentary authority. Any such attitude would surely strengthen the hand of Grenville and his followers, who might still return to power and undo the great work of reconciliation. The merchants had had a hard fight, in which they had "pawned their words" for the colonies, and "I hope," one of them wrote, "nothing will be done, that may make them ashamed of the assurances they have given, that all would return to quiet and good humour. A contrary behaviour will hurt the present ministry, who are your true friends; and if they fall, your enemies will succeed, from whom you have everything to fear." In order to prevent such a catastrophe, the committee urged the Americans to send over expressions of "filial duty and gratitude to your parent country."

These words were made more pointed by two protests issuing from the minority in the House of Lords against repeal of the Stamp Act. . . . Repeal of the Stamp Act, they said, was a surrender of Parliament's supreme jurisdiction. The reasons the Americans had assigned for disobedience to the Act would extend "to all other laws, of what nature soever, which that Parliament had enacted, or shall enact, to bind them in times to come, and must, if admitted, set them absolutely free from any obedience to the power of the British legislature." By the Declaratory Act, they said, Parliament only "more grievously injured its own dignity and authority by verbally asserting that right which it substantially yields up to its opposition." The total effect would be to push the colonies in the direction toward which they were already verging—*independence*. In the protests of the Lords the Americans could read the narrowness of their escape as well as their future peril, and they hastened to comply with the advice of the merchants, which had been seconded by Secretary Conway in sending official notice of the repeal. The assemblies of the various colonies drew up addresses of thanks to King and Parliament for their parental solicitude and gave assurance of their loyalty to the King and their submission to the authority of Parliament—though none of them specifically acknowledged that this authority included the right to tax them.

In spite of the loyal sentiments of their addresses, the colonists would have been a little more than human if they had not given themselves some of the credit for repeal. "Had we tamely submitted," they asked themselves, "would the Justice of our Cause have procured us Relief?" Probably few could find it in their hearts to say yes. . . . Thomas Hutchinson, looking back upon the period some years later thought that repeal was interpreted throughout the colonies, not as an act of favor, but as a concession to the colonial view that taxation was the power only of a representative body. The celebrations with which repeal was greeted were decent and orderly, as the committee of merchants had urged. . . . Up and down the Atlantic coast, houses were illuminated; paintings and verses composed for the occasion were exhibited; and toasts were drunk publicly to William Pitt and the other men who had championed the cause of the colonies in Parliament; but the most significant thing about the celebrations was that they were directed by the Sons of Liberty, the men responsible for the violent proceedings which according to the Committee of Merchants had hindered repeal. The Sons of Liberty showed no contrition for their sins. Not only did they direct celebrations of repeal in 1766, but they also staged celebrations upon the anniversary of repeal every year thereafter, until the Revolution began. In Boston they even celebrated the anniversary of August 14, the night of the first riot. Thus the Sons of Liberty kept alive the memory of the glorious days when Americans had risen up against the threat of tyranny and had successfully asserted their rights. . . .

There is no evidence that the Americans, in rejoicing over repeal of the Stamp Act, accepted the right of Parliament to tax them. Many of their loyal addresses of thanks upon the repeal, were phrased so as to reject any such admission. . . . The vague terms of the Declaratory Act enabled them to accept it as a statement of their own position: that Parliament had supreme legislative authority, but that taxation was not a part of legislation.

William Pitt himself had spectacularly supported the American position in Parliament, and the American press like the British press gave to Pitt the credit for carrying the repeal. He had asserted plainly the power of Parliament in all branches

of legislation whatsoever, but he had stoutly denied Parliament's right to tax. Upon reading his speech of January 14, John Adams wrote in his diary: "What has been said in America which Mr. Pitt has not confirmed? Otis, Adams, Hopkins, &c. have said no more." Since they believed that repeal was the work of Pitt many Americans must have found it hard to believe that the Declaratory Act should be interpreted as a denial of everything he had said. George Mason of Virginia observed that the Act asserted the "legislative authority" of Great Britain in all cases whatsoever, but he remembered that "a just and necessary Distinction between Legislation and Taxation hath been made by the greatest and wisest men in the Nation," for surely Pitt was one of the greatest and wisest. . . .

When the Americans did come to realize that the Declaratory Act was intended to affirm the right of taxation, they were by no means ready to accept it. . . .

Those who perceived the true meaning of the Declaratory Act also perceived that the Americans had small reason to display the gratitude which the merchants had insisted upon, for both Parliament and the merchants had been motivated by a concern for the welfare of England rather than America. . . . George Mason ridiculed the merchants for speaking to the colonists like schoolboys, as if to say:

We have with infinite difficulty and fatigue got you excused this one time; pray be a good boy for the future, do what your papa and mama bid you, and hasten to return them your most grateful acknowledgments for condescending to let you keep what is your own; and then all your acquaintance will love you, and praise you, and give you pretty things; . . . Is not this a little ridiculous, when applied to three millions of as loyal and useful subjects as any in the British dominions, who have been only contending for their birth-right, and have now only gained, or rather kept, what could not, with common justice, or even policy, be denied them?

Not all Americans were able to see . . . the implications of what Parliament had done, and even they missed the larger significance of the Declaratory Act. Perhaps even Rockingham failed to understand that his Act assigned a greater authority to Parliament than Grenville had originally claimed with his Stamp Act. Grenville had justified taxing the colonies on the ground that they were represented—virtually—in Parliament. Repeal of the Stamp Act, unaccompanied by the Declaratory Act, could have been utilized as a demonstration that virtual representation worked. Though the Americans did not elect a single member, Parliament had been sufficiently sensitive to their interests, as expressed through the British merchants, to repeal a measure they disliked. What better answer than this to the American claim that virtual representation could not cross the ocean? But the Declaratory Act precluded such an interpretation of repeal, for it rendered unnecessary the pretence of linking taxation and representation, and rested the authority of Parliament on a simple declaration of that body's sovereignty. . . . Officially there was no longer any doubt that Parliament had authority to tax the colonies, and there was no longer any need to justify that authority by the doctrine of virtual representation. The British government had abandoned the constitutional position which linked them with the Americans and had retreated to the heights of arbitrary declaration. . . .

As the years went by the government fell more and more into the grasp of men who believed with George Grenville that the Stamp Act should have been enforced instead of repealed. . . .

In the eyes of these men the Americans had been aiming at independence ever since the Peace of Paris. It was a common observation in the mid-eighteenth century that the colonies would not forever remain as dependencies of Great Britain. No one who considered the extent of the North American continent and the rate at which its population was increasing could doubt the truth of the observation, though the separation was scarcely expected to take place in the eighteenth century. Many Englishmen had warned before the Peace of Paris that if Canada were not returned to the French the Americans would no longer feel the need of the British army and navy to protect them and would turn their faces toward independence. When these warnings were ignored and the French menace was ended by the Peace of Paris, the prophets of doom saw their fears justified in the ensuing American resistance to the Stamp Act. . . .

As the English thought that they saw the Americans inching their way toward independence, the Americans thought that they saw a sinister party in England seeking by gradual degrees to enslave them. There had been rumors of a plan to reorganize the colonies ever since the fall of Quebec, and Governor Bernard had intimated that the Stamp Act was a part of that plan. Even so reasonable a man as William Samuel Johnson thought that the ministry must have had a "formal design" constantly in view for several years. "Fortunately," he wrote in January, 1766, "they have of late precipitated their Measures and by that means opened our Eyes. Had they proceeded by slow and sensible degrees as they have been wont to do perhaps in a course of years they might have effected their baneful purpose. But by pressing it too much and making more haste than good speed they have defeated the whole design and given such an Alarm as will forever keep America upon her guard."

With the repeal of the Stamp Act many Americans, misinterpreting the meaning of the Declaratory Act, believed that the plot had been foiled, and when Rockingham was replaced by Pitt, they rejoiced that their fastest friend was now in control. When the attempt to tax them was renewed under a ministry with Pitt at the head, they could see that the repeal was only a pause in the relentless advance of the plot to enslave them, and the vagueness of the Declaratory Act an effort to lull them into delusions of security, while stronger claims were fastened about them. . . .

Unfortunately the Stamp Act period had not merely created illusions about the aims of both Englishmen and Americans but had also impaired the disposition to compromise in both countries and had in some cases discredited the men who would have been willing to do so. The circumstances that enabled Lord North to retain power from 1770 to 1782 were complex, but undoubtedly one reason was the conviction of most members of Parliament after 1768 that the repeal of the Stamp Act had been a mistake. Certainly this conviction was expressed again and again on the floor of the House of Commons, and the Whigs felt obliged to apologize for the measure which had staved off revolution in 1766.

In America too the Stamp Act had discredited moderates and enabled extremists to gain greater influence than they had ever enjoyed before. . . . The withdrawal of these men from public life was accompanied by the rise of bolder and more aggressive politicians who had made their reputation in resistance to the Stamp Act. . . . It seems particularly significant that the parties which brought on the revolution in the two leading colonies, Massachusetts and Virginia, gained their ascendancy at the time of the Stamp Act. . . .

Besides disposing the colonies to accept radical leadership the Stamp Act period furnished those leaders with a method for bringing pressure to bear in England. Hitherto the colonies had never been able to unite for any purpose, not even for their own defense against the French and Indians. The Stamp Act, much to their own surprise, enabled them to act together. . . . The most spectacular achievement in unity was of course the Stamp Act Congress, but the non-importation agreements adopted by the merchants of Boston, New York, and Philadelphia were equally surprising and more effective. . . .

The colonies remembered the strength of union well enough, as they demonstrated later in their non-importation agreements against the Townshend Duties, in their continental congresses, and finally in their formation of a continental army. Yet 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 intercolonial assemblies in 1765 laid down the line on which Americans stood until they cut their connections with England. Consistently from 1765 to 1776 they denied the authority of Parliament to tax them externally or internally; consistently they affirmed their willingness to submit to whatever legislation Parliament should enact for the supervision of the empire as a whole. . . .

The Townshend Acts and the Consolidation of Colonial Resistance

PAULINE MAIER

Repeal of the Stamp Act did not, of course, finally resolve the Anglo-American conflict. Colonial opposition reawoke . . . over the Townshend Revenue Act of 1767. Never again, however, did the Americans relapse to the consternation of 1765 when they had lamented that "no similar Examples from former Times" existed to guide them. Colonists now simply revived and developed the tactics first evolved during the Stamp Act crisis and articulated by the Sons of Liberty. It was clear that legitimate resistance must involve the body of the people, must prefer peaceful over violent forms of action, and must confine whatever force was necessary within defined limits. Yet even as these limitations upon agitation were honored, colonial resistance moved beyond the model of 1765-6 toward a more serious threat to British authority as nonimportation associations increasingly assumed the functions of civil government. The portents of revolution in the final months of the Townshend agitation reflected, moreover, an important corrosion of that ultimate faith in British rule which had characterized the Stamp Act resistance, and which had survived even into the opening years of opposition to the Townshend Act.

I

In 1766, Jonathan Mayhew already grasped the potential significance of the Stamp Act resistance. Should a similar occasion recur, he said, the colonists' "late experience and success will teach them how to act in order to obtain the redress of

grievances." He referred to the peaceful methods gradually settled upon in the course of the Stamp Act agitation: "joint, manly and spirited, yet respectful and loyal petitioning," backed up by commercial sanctions. The strategy of petition and nonimportation reappeared a year later in John Dickinson's "Letters from a Farmer in Pennsylvania." First published between December 1767 and February 1768, the Farmer's Letters rallied colonists against the new British legislation and more than any other source defined guidelines for the Americans' subsequent opposition to Britain. All "excesses and outrages" were condemned by Dickinson in 1767 just as they had been in 1766 by Mayhew. To talk of defending rights as if they could be upheld only by arms or by riots and tumults was "as much out of the way," Dickinson said, "as if a man having a choice of several roads to reach his journey's end, should prefer the worst for no other reason but because it *is* the worst." Free men should be spirited, ready to maintain their rights; but such efforts should for the time be channeled into "constitutional methods of seeking Redress," such as petitions or nonimportation, modes of opposition proposed as conscious alternatives to violence.

Accordingly, the colonists first petitioned Britain for relief from the Townshend Revenue Act. But during 1769, as it became clear that their petitions were unsuccessful, Americans gradually united behind nonimportation agreements similar to those already initiated in New England and New York. There were, however, significant local variations in the various nonimportation associations. In the Northern and middle colonies, merchants alone formed the covenant; while in the plantation colonies, which lacked so pre-eminent a commercial class, broader-based public bodies endorsed the agreements. . . . The lists of goods proscribed for importation also varied from colony to colony, and in the South agreements tended to emphasize nonconsumption more than nonimportation. . . .

Nonimportation was thus the successor of the Stamp Act resistance. . . . Continuity was evident in strategy, such as the nonimporters' concern for widening their base of support throughout the population. In the South, this goal was often explicit from the outset: Virginia's association of May 18, 1769, for example, invited "all Gentlemen, Merchants, Traders, and other Inhabitants of this Colony" to sign subscription lists. In the Northern colonies, however, the nonimportation associations only gradually involved the nonmercantile population. Massachusetts developments illustrated the slow widening of the movement. The original Boston agreement of March 1768 was drafted and signed only by merchants. In the fall of 1769, however, merchants circulated another subscription paper through the town, asking other inhabitants to pledge not to purchase goods imported contrary to the association and to support patriotic traders. . . . By April 1770, Thomas Hutchinson estimated that the representatives of seven-eighths of the provincial towns favored the agreement, and that "the majority of every order of men in government" had united with "the body of the people" on that issue. . . .

The effort to unite the people against Britain's "unconstitutional" legislation encouraged also the creation of popular institutions where none had previously existed. The virtues of the New England town meeting for "uniting the whole body of the people in the measures taken to oppose the Stamp Act induced other Provinces to imitate their example," Philadelphia's Charles Thomson later testified. Large public meetings provided important support for nonimportation in New York and Philadelphia. . . . In 1770, the South Carolinians sought to hold meetings as "*full . . . as possible*" so that their resolutions could be announced as "*the Sense of the Whole Body.*"

At the outset of the nonimportation effort, economic considerations encouraged widespread participation. A commercial depression afflicted the continent. Colonists suffered in part from a scarcity of hard currency, which, they said, had been drained from America by customs payments. New Englanders were particularly aware that trade law reform and economic retrenchment were necessary for recovery. In the South, nonimportation conferred an additional benefit, as George Washington understood, for it gave debt-ridden planters an honorable excuse for cutting back upon extravagant display. Meanwhile merchants could use the curtailment of imports to reduce their inventories of less desirable goods. Yet by late 1769 it had become clear that the association involved—as the town of Abington, Massachusetts, expressed it—“self-denial and public virtue” more than self-indulgence. Even artisans, who might have gained by the new emphasis upon domestic manufacturing, frequently suffered. Too often their trades depended upon imported materials, while occasional public efforts to support American manufacturing were for the most part limited to the production of essential articles such as paper or cloth.

The enduring arguments for nonimportation were, then, above all political. It offered the “wisest and only peaceable method” for Americans to recover their liberty, one, moreover, that was legal and seemed to promise success. As during the Stamp Act crisis, colonists argued that economic retrenchment would awaken the attention of [the] British. . . .

The claims for effectiveness were never disproven in the period through 1770. The movement’s disintegration indicated only that any future nonimportation association would have to be more carefully designed—preferably with one identical plan for all the colonies—and less dependent upon the merchants than its predecessor. . . . Hence there was justification enough for the Continental Congress to revive the policy in 1774.

The notion that nonimportation afforded a peaceful and legal means to redress did, however, come into question. Proponents considered nonimportation peaceful in that it was nonviolent. But force was not condemned in general; even the docile John Dickinson considered the resort to forceful resistance in 1765, when there was no alternative but submission to the Stamp Act, “prudent and glorious.” Admittedly, force was “always to be the very last means thought of, when every thing else fails,” and as of 1768 and 1769 it seemed possible to avoid it. . . .

Once again, as during the Stamp Act period, those who ignored or violated the patriotic agreements were coerced by social and economic boycotts which became harsher as the movement itself gained strength and intensity. . . . Whole colonies might be indicted: when Georgia failed to enforce its agreement, patriots in Charleston resolved that the colony ought “to be amputated from the rest of their brethren, as a rotten part that might spread a dangerous infection”; and attempts in Providence and Newport to withdraw from the agreement in May 1770 were cut short after New York, Philadelphia, and Boston imposed an absolute boycott on Rhode Island merchants. A mass of resolutions to boycott New York was also passed after that city finally defected from the movement in 1770.

The architects of nonimportation hoped that the movement could remain peaceful and still be effective. By publishing the names of those who violated the agreement or patronized violators as enemies of their country and greeting them with “every mark of infamy and reproach,” Virginia’s George Mason argued, associators

could effectively play upon men's "sense of shame and fear of reproach." . . . More direct intimidation came only from the "indiscreet Zeal" of individuals and was by no means characteristic of the nonimporters as a whole.

Nonviolence was rarely if ever a passive achievement. In Boston, active efforts to contain popular exuberance were as necessary as they had been during the Stamp Act agitation. As early as 1767, Thomas Hutchinson understood that those who had been "very forward" in promoting the tumults of 1765 had decided to use other means against the Townshend duties. Mobbish incidents were successfully avoided that year. . . .

When violence did break out—in June 1768 during the *Liberty* riot—it was not a result of nonimportation. The incident culminated weeks of mounting tension over impressment between townsmen and the King's ship *Romney*, and was sparked off by the customsmen's method in seizing John Hancock's sloop *Liberty*. From the outset, leading Bostonians tried to stop the disorder. A mob pelting the comptroller's house with stones withdrew "by the advice of some prudent gentlemen that interposed"; and as the crowd burned a pleasure boat belonging to the customs collector, Joseph Harrison, "some gentlemen who had influence" with the mob—allegedly John Hancock, Samuel Adams, and Joseph Warren—persuaded the rioters to disperse. . . . Within the week William Molineux, the radical nonimportation supporter, wrote a letter of sympathy to Harrison, blaming the collector's losses upon a local minority of "such Sort of People" as inhabited "Every Great City perhaps in the World." . . .

Although violence was everywhere curtailed, coercion was not universally eschewed. Fear of mob reprisals forced Simon Cooley to confess his political sins and vow to honor the association at New York in July 1769, and a scaffold erected near Liberty Tree brought the submission of a jeweler, Thomas Richardson, in September. . . .

About [this] time . . . the Bostonians, it seems, began to use more forceful methods against importing merchants. One observer complained in October 1769 that the means taken to induce compliance were "really infamous." The nonsubscribers, he thought, were "in real danger of their Lives. Their property was actually unsafe, their Signs, Doors and Windows were daub'd over in the Night time with every kind of Filth, and one of them particularly had his person treated in the same manner." On October 28, the crowd turned against John Mein, publisher of the *Boston Chronicle* and leading opponent of the association, whom impending social stigma and economic ruin had failed to silence. Mein was first attacked by ten to twelve persons "of some considerable Rank." . . . Later, these assailants were joined by a mob of over a thousand persons which had gathered earlier to tar and feather a suspected customs informer. Mein received an ugly wound from an iron shovel . . . but managed to escape into the guardhouse, where he was shielded by royal troops.

In December, Lieutenant Governor Hutchinson reported that the province was "in a very calm state" although "discontents" continued in Boston. Then, in January, a group of merchants that included Hutchinson's sons Elisha and Thomas, Jr., decided to resume the sale of imported goods. The entire association was brought into peril and agitation revived. Association meetings voted to visit the offenders *en masse*, but these official visits were, as Hutchinson admitted, "without any degree of

tumult." Committees were chosen before each visit, and the crowd normally marched to the offender's house with great order, then remained outside the gate while its leaders negotiated with its host. . . .

With the failure of peaceful mass pressure, more virulent forms of mob pressure were again revived. On three successive Thursdays—February 8, 15, and 22—signs and effigies mysteriously appeared pointing out "importers," particularly William Jackson and Theophilus Lillie. Crowds of boys and country people gathered, for it was marketing day, when schools were closed. Customers were intimidated from entering proscribed shops and sometimes pelted with dirt. During those weeks, importers' signs were defaced and their windows broken or "besmeared . . . with tar & feathers." On each occasion, efforts to remove the "importer" signs were repulsed: on the eighth, Jackson was turned back by "a Number of Idle people . . . standing by, with Clubs and sticks in their Hands"; soldiers who made a similar effort on the fifteenth were "beat of[f] and some of them much Hurt"; and finally, on the twenty-second, an attempt to remove an effigy over Lillie's door by Ebenezer Richardson, an ex-customs informer who was considered particularly obnoxious in Boston, resulted in bloodshed. Richardson was chased to his nearby home and besieged by a rock-throwing crowd until he fired shots into the street, hitting an eleven-year-old boy, Christopher Sneider. At that the crowd seized Richardson, dragged him through the streets, and some tried "to put a rope about his Neck and . . . execute him themselves."

Even within this surge of violence the hand of restraint was apparent. A line was usually drawn at lesser forms of harassment: window breaking, the "besmearing" of signs, suggestions of impending violence. . . . On other occasions, leaders intervened to curtail violence and to protect the persons of their enemies. In June 1770, for example, a mob was dissuaded from tarring and feathering Patrick McMasters when it became clear that he could not survive the ordeal. More important, Richardson was saved from his would-be murderers by William Molineux, who was probably responsible for turning the crowd against importers in the first place. Molineux in fact personified the ambiguity that persisted even in the extremes of Boston radicalism. He was the arch demagogue of nonimportation, believed to be "the first Leader of Dirty Matters," whose violence was a divisive factor even within the nonimportation movement in 1770; yet it was he who saved Richardson and also consoled Joseph Harrison after the *Liberty* riot. . . .

Basic to Molineux's behavior there was, it seems, a distinction drawn between violence and coercion. While the destruction of persons and property was condemned as criminal, the resort to lesser forms of harassment for political purposes might be justifiable under criteria of collective necessity. Once force was used against importers, however, the immediate legality of nonimportation came increasingly into question. From the outset, proponents argued that the associations were lawful because their aims were lawful: no statute required colonists to purchase imported goods or to patronize importing merchants and their supporters. . . . If, however, the associations could be linked with illegal violence, all members would be in grave danger: since, as Hutchinson warned in January 1770, "their professed design [was] to reform the law by effecting the repeal of the revenue acts"—a public aim, beyond their personal grievances—"any violence from any of

the inferior people who were among them would in my opinion involve them all in the guilt of high treason." . . .

The colonists' concern for acting within the law indicated a continued respect for British institutions. Like the Sons of Liberty during the Stamp Act crisis, the nonimporters insisted that their opposition to British authority was limited. The various associations usually provided for their own dissolution once the Townshend Revenue Act was repealed. An effort by Boston to extend the agreements to work for the repeal of earlier review acts as well, particularly that of 1764, failed completely. Even where royal control faced the greatest resistance, at Boston, the ligaments of British authority were loosened in only limited areas. "In other matters which have no relation to this dispute between the Kingdom and the Colonies," Hutchinson wrote as late as February 28, 1770, "Government retains its vigour and the administration of it is attended with no unusual difficulty."

Nonetheless, by 1770 the American agitation had clearly reached a stage of seriousness far beyond that of three years earlier. Escalation was marked by the increasing severity of reprisals: from mild economic boycotts, through public advertisements of importers as "enemies of their country" who deserved the contempt of their countrymen, to the violence of Boston, which was itself an act of desperation. The town's disorder, Hutchinson testified, came from a "general disposition . . . to favour the measures of the Merchants as the *only means* to preserve the Rights of the people and bring about the Repeal of the Revenue Acts and other Acts called unconstitutional." . . .

The inflamed rhetoric, the assertions that Parliament's unconstitutional acts justified colonial resistance, were reminiscent of the Stamp Act crisis. But even while precautions were taken to maintain the general framework of legal authority, resistance to the Townshend duties became a more serious threat to British authority than that to the Stamp Act. By nature, nonimportation committed partisans to a wider share of administrative responsibilities than had been exercised by the Sons of Liberty of 1765–6. In short, the associations increasingly exercised functions normally reserved to a sovereign state. Committees regularly demanded the right to inspect merchants' invoices and papers, to judge the guilt of suspected violators of the association, and to impose sanctions against the unyielding. . . .

As the number of adherents increased, and nonimporters could claim to speak for the body of the people, the various associations came to serve as social compacts, analogous to the formal constitutions that would be set up by the various colonies in the mid-1770's. The Virginia Association of June 1770, for example, outlined the structure and procedures of that colony's enforcement mechanisms. It took the form of a solemn agreement or compact among the subscribers—described simply as "his Majesty's most dutiful and loyal subjects of *Virginia*"—to adhere to its provisions, which were "binding on all and each" of them. Although their sphere of activity was limited, within that sphere the associations had, as Drayton charged in South Carolina, set up a new legislative power. . . .

As committees increasingly assumed the right to speak and act for the people, the associations' right to coerce nonconformers seemed ever more justified. The personal rights of opponents were not denied, but put in perspective. "The hardships of particulars are not to be considered," Christopher Gadsden wrote, "when the

good of the whole is the object in view; as evidently it is, in the case before us." Eighteenth-century political thought had never emphasized individual rights so much as the corporate rights of the community; and patriotism itself was said to involve at core a willingness to sacrifice private interest for the public good. As such nonimportation, with its demand of self-sacrifice for the general welfare, seemed to institutionalize public virtue: "the little conveniences and comforts of life," George Mason wrote, "when set in competition with our liberty, ought to be rejected, not with reluctance, but with pleasure." Importers were, . . . as the Virginia Association of June 1770 put it, men who "preferred their own private emolument, by importing or selling articles prohibited by this association, to the destruction of the dearest rights of the people of this colony." . . .

Samuel Adams similarly compared the authority of the nonimportation supporters with that of regular institutions when he defended the Bostonians' actions against importer Patrick McMasters, who was banished from Boston by a mob in June 1770. In all states, Adams said, individuals were bound to act according to the common will of their fellow citizens or to leave. And in exceptional situations, like the present, the "will and pleasure of the society" was not "declared in its laws," but had to be imposed directly.

II

For most royal observers, the careful legal distinctions that colonial leaders tried to maintain were of no significance. The associators' claim that nonimportation was lawful seemed at best a pretense. In Boston, the fanatical Tory Peter Oliver later claimed, inhabitants armed themselves with homemade "massy Clubs," since "Guns they imagined were Weapons of Death in the Eye of the Law, which the meanest of them was an Adept in; but Bludgeons were only Implements to beat out Brains with." Such constructions seemed only to circumvent the law. . . .

The royal officials' insistence on the authority of Parliament and the Americans' criminality acquired particular shrillness and rigidity as they saw their own authority disintegrate. The failure of local magistrates and militias to support them during the Stamp Act period was not easily forgotten, particularly since the same situation was re-enacted during later incidents. Nor was the success of colonial political leaders in repressing or subduing violence of any consolation. Such authority was not their own; it was at the disposal of powers outside the legal British establishment, and as such seemed unreliable

As the dominant opinion in the colonies turned toward the radicals rather than toward London, royal officials had a ready explanation. They argued, as Thomas Jefferson later put it, "that the whole ferment has been raised and constantly kept up by a few principal men in every colony, and that it might be expected to subside in a short time either of itself, or by the assistance of a coercive power." The theory was readily adopted in England, where some Members of Parliament clamored for the arrest and punishment of the principal troublemakers. The argument appealed also to the King, who considered Parliament's right to bind the colonists "in all cases whatsoever, as essential to the dignity of the crown, and a right appertaining to the state, which it was his duty to preserve entirely enviolate." He was therefore "greatly displeased" with colonial petitions and remonstrances that denied

Parliament's absolute supremacy, and regretted that his subjects were so "misled"—again, by a handful of factious leaders. In retrospect this rhetoric of conspiracy, which the colonists themselves gradually adopted to explain England's actions, belied the gap between English and American political assumptions, for neither side could recognize the other as acting honestly upon legitimate principles different from its own. . . .

Sometimes haunted by fears for their own safety, conscious that the King's and Parliament's authority was at stake in their own persons, the governors and officials reverted to an old solution for their problems. Troops were necessary, not only to execute individual laws, but, as Georgia's Governor Wright wrote, to support His Majesty's authority from insults. . . . This call for soldiers became a standard theme, not only for governors, but for customs officials, particularly those on the American Board of Customs Commissioners, who arrived in November 1767 and within a year convinced London to send a contingent of troops—uncalled for by local officials—to Boston. . . .

British suppositions also hindered any confident and effective use of troops against the colonists. Traditional ideas about the proper role of the army in a free country were as vivid for military commanders like Sir Jeffery Amherst or Thomas Gage as for John Adams, and even British ministers shared the Americans' misgivings. When Governor Wright of Georgia managed briefly to distribute stamps with the aid of regular troops, he earned not the thanks of his superiors but a word of admonition from Secretary of State Shelburne. . . . The secretary's sentiments here were not far different from those of New York's radical printer John Holt. In commenting upon a letter that anticipated the day when mobs would be suppressed and a proper respect for the laws impressed upon "the lower rank," Holt said simply that "*Not force, but justice will do it.*"

Out of this impossibility of military rule arose in good part the peculiar conditions that gave the American Revolution its distinctive character. British authority could not be imposed upon an unwilling people. To be effective it had to be administered by men "reverenced and beloved by the people," as the *Boston Gazette* once said; its power had to flow directly from the governed who, when the laws seemed to promote their welfare, would both obey and enforce them. As these conditions ceased to be true, royal authority disintegrated; imperial officials became incapable of restraining hostility and disorderly outbreaks. But simultaneously, the function of maintaining order was assumed by their opponents. Both sides shared a respect for orderly, lawful procedures; they differed in their definitions of order and their conceptions of legitimacy. The colonists' progressive assumption of power paralleled their increasing conviction that Britain aspired to despotic power. Yet, ironically, it was not only British inability but also her remaining liberal traditions that prevented a simple forceful suppression of the American agitation.

III

The basic guidelines for American opposition to Britain were defined already during the Stamp Act crisis; but the nature of the Anglo-American conflict changed radically within the next decade. Signs of this transformation were already apparent

in the nonimportation effort by 1770. The fixation of 1765–6 with buttressing British authority beyond the regions affected by the Stamp Act had to some extent been replaced by a conscious assumption of extralegal political power. More important, the old Sons of Liberty's faith in Britain, her rulers and institutions had given way to a new desperation for American liberty, which was marked by a willingness to resort to ever more extreme methods to maintain the nonimportation association. By 1770, in short, the colonists had begun to advance along the road from resistance to revolution.

Disillusionment with Britain did not immediately follow the Declaratory Act of 1766, which asserted Parliament's sovereign right "to make Laws . . . to bind the Colonists and People of America . . . in all Cases whatsoever." Most colonists apparently interpreted the enactment as a face-saving device upon which Parliament did not intend to act. Colonists remained strongly confident of British justice in late 1767, when John Dickinson's "Letters from a Farmer in Pennsylvania" were readily accepted as expressing the views of his countrymen. In words strikingly like those of Jonathan Mayhew a year earlier, Dickinson stressed that the Americans had "an excellent prince" in whose "good dispositions they could confide"; they had a "generous, sensible and humane nation" to whom they could apply for redress from their newest grievances. Separation was the least desirable outcome of the conflict—"Torn from the body, to which we are united by religion, liberty, laws, affections, relation, language and commerce, we must bleed at every vein."

Attitudes toward Britain changed, in short, most dramatically only after 1767. . . .

In assigning responsibility for continued "oppressive" policies, the colonists tended to accuse . . . familiar figures. . . . Newspapers of 1765 and 1766 continually repeated rumors that the Stamp Act had been proposed and promoted by British agents on the American continent. . . . Gradually, misrepresentations from "this side the water" became the entire explanation of British policy, as King and Parliament were allegedly led into ill-considered decisions by false information from the colonies. . . .

A belief in misrepresentation was, however, insufficient to transform American opposition from resistance to revolution. Its implications were reformist, not revolutionary. . . . Moreover, misrepresentation absolved officials in London of any guilt for their actions. This was true for the dispatch of troops to Boston. . . . The protraction of grievances was "not to be imputed to an unkind disposition in Lord Hillsborough towards us," it said, "but altogether to the malicious and false representations of an infamous faction on this side the water."

For the radical movement to become revolutionary, more extreme conclusions were necessary. The Americans must become convinced, as John Dickinson put it, that "mistake or passion" could not explain Britain's wrongheaded actions. It had to appear "UNDOUBTED that an inveterate resolution is formed to annihilate the liberties of the governed," one that involved the King, Parliament, and ministry as centrally as their servants in the colonies. And to arrive at such a conclusion, colonists had to turn their eyes from their own continent to London, to examine the actions of King, Parliament, and ministry. In that fact lay the truth of a statement continually repeated by colonists during the frenetic days of the Stamp Act crisis—that only Great Britain could force America toward independence.