

Encyclopedia of American Revolution Volume 2

Anthony Strickland



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AMERICAN REVOLUTION
VOLUME 2**

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Chapter 12

Consent of the Governed

In political philosophy, the phrase consent of the governed refers to the idea that a government's legitimacy and moral right to use state power is justified and lawful only when consented to by the people or society over which that political power is exercised. This theory of consent is historically contrasted to the divine right of kings and had often been invoked against the legitimacy of colonialism. Article 21 of the United Nations' 1948 Universal Declaration of Human Rights states that "The will of the people shall be the basis of the authority of government".

History

Perhaps the earliest utterance of consent of the governed appears in the writings of Scottish Catholic priest and Franciscan friar Duns Scotus, who proposed this in his work *Ordinatio* in the 1290s. Scotus's lengthy writing in theology have largely overshadowed this notable contribution that he made to early political theory. It is believed these writings influenced Declaration of Arbroath in 1320

In his 1937 book *A History of Political Theory*, George Sabine collected the views of many political theorists on consent of the governed. He notes the idea mentioned in 1433 by Nicholas of Cusa in *De Concordantia Catholica*. In 1579 an influential Huguenot tract *Vindiciae contra tyrannos* was published which Sabine paraphrases: "The people lay down the conditions which

the king is bound to fulfill. Hence they are bound to obedience only conditionally, namely, upon receiving the protection of just and lawful government...the power of the ruler is delegated by the people and continues only with their consent." In England, the Levellers also held to this principle of government.

John Milton wrote

The power of kings and magistrates is nothing else, but what is only derivative, transferred and committed to them in trust from the people, to the common good of them all, in whom the power yet remains fundamentally, and cannot be taken from them, without a violation of their natural birthright.

Similarly, Sabine notes the position of John Locke in *Essay concerning Human Understanding*:

[Civic power] can have no right except as this is derived from the individual right of each man to protect himself and his property. The legislative and executive power used by government to protect property is nothing except the natural power of each man resigned into the hands of the community...and it is justified merely because it is a better way of protecting natural right than the self-help to which each man is naturally entitled.

However, with David Hume a contrary voice is heard. Sabine interprets Hume's skepticism by noting

The political world over, absolute governments which do not even do lip-service to the fiction of consent are more common

than free governments, and their subjects rarely question their right except when tyranny becomes too oppressive.

Sabine revived the concept from its status as a political myth after Hume, by referring to Thomas Hill Green. Green wrote that government required "will not force" for administration. As put by Sabine,

Even the most powerful and the most despotic government cannot hold a society together by sheer force; to that extent there was a limited truth to the old belief that governments are produced by consent.

Consent of the governed, within the social liberalism of T. H. Green, was also described by Paul Harris:

- The conditions for the existence of a political society have less to do with force and fear of coercion than with the members' mutual recognition of a good common to themselves and others, although it may not be consciously expressed as such. Thus for the conditions for any civil combination to disappear through resistance to a despotic government or disobedience to law would require such a disastrous upheaval as to be unlikely in all but the most extreme circumstances in which we might agree with Green that the price would be too high to pay, yet sufficiently rare to allow us to acknowledge that there would ordinarily be a moral duty to act to overthrow any state that did not pursue the common good.

In the United States

"Consent of the governed" is a phrase found in the United States Declaration of Independence.

Using thinking similar to that of John Locke, the founders of the United States believed in a state built upon the consent of "free and equal" citizens; a state otherwise conceived would lack legitimacy and Rational-legal authority. This was expressed, among other places, in the 2nd paragraph of the Declaration of Independence (emphasis added):

- We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.-
-That to secure these rights, Governments are instituted among Men, deriving their just powers from the *consent of the governed*, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

And in the earlier Virginia Declaration of Rights, especially Section 6, quoted below, founding father George Mason wrote:

- That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence

of permanent common interest with, the attachment to, the community, have the right of suffrage, and cannot be taxed or deprived of their property for public uses without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the public good."

Although the Continental Congress at the outset of the American Revolution had no explicit legal authority to govern, it was delegated by the states with all the functions of a national government, such as appointing ambassadors, signing treaties, raising armies, appointing generals, obtaining loans from Europe, issuing paper money (called "Continental"), and disbursing funds.

The Congress had no authority to levy taxes, and was required to request money, supplies, and troops from the states to support the war effort. Individual states frequently ignored these requests. According to the *Cyclopædia of Political Science*. New York: Maynard, Merrill, and Co., 1899, commenting on the source of the Congress' power:

- The appointment of the delegates to both these congresses was generally by popular conventions, though in some instances by state assemblies. But in neither case can the appointing body be considered the original depository of the power by which the delegates acted; for the conventions were either self-appointed "committees of safety" or hastily assembled popular gatherings, including but a small fraction of the population to be represented, and the

state assemblies had no right to surrender to another body one atom of the power which had been granted to them, or to create a new power which should govern the people without their will. The source of the powers of congress is to be sought solely in the acquiescence of the people, without which every congressional resolution, with or without the benediction of popular conventions or state legislatures, would have been a mere *brutum fulmen*; and, as the congress unquestionably exercised national powers, operating over the whole country, the conclusion is inevitable that the will of the whole people is the source of national government in the United States, even from its first imperfect appearance in the second continental congress...

Types of consent

Unanimous consent

A key question is whether the unanimous consent of the governed is required; if so, this would imply the right of secession for those who do not want to be governed by a particular collective.

All democratic governments today allow decisions to be made even over the dissent of a minority of voters which, in some theorists' view, calls into question whether said governments can rightfully claim, in all circumstances, to act with the consent of the governed.

Hypothetical consent

The theory of hypothetical consent of the governed holds that one's obligation to obey government depends on whether the government is such that one *ought* to consent to it, or whether the people, if placed in a state of nature without government, would agree to said government. This theory has been rejected by some scholars, who argue that since government itself can commit aggression, creating a government to safeguard the people from aggression would be similar to the people, if given the choice of what animals to be attacked by, trading "polecats and foxes for a lion", a trade that they would not make.

Overt versus tacit consent

Another division that is sometimes made is between overt consent and tacit consent. Overt consent, to be valid, would require voluntariness, a specific act on the part of the consenters, a particular act consented to, and specific agents who perform this action. Immigrating into a particular jurisdiction is sometimes regarded as an overt act indicating consent to be ruled by that jurisdiction's government. Not all who are ruled by a particular government have immigrated to that jurisdiction, however; some were born there; however others argue that the power to emigrate from (i.e. leave) a jurisdiction *implies* such consent omission.

Engineered consent

According to the propagandist Edward Bernays when discussing public relations techniques that were described in his essay and book *The Engineering of Consent* (1955), the

public may be manipulated by its subconscious desires to render votes to a political candidate. Consent thus obtained undermines the legitimacy of government. Bernays claimed that "the basic principle involved is simple but important: If the opinions of the public are to control the government, these opinions must not be controlled by the government."

Edward S. Herman and Noam Chomsky in their book, *Manufacturing Consent* (1988), advanced a propaganda model for the news media in the United States in which coverage of current events was skewed by corporations and the state in order to manufacture the consent of the governed.

Literal consent

The theory of literal consent holds the logical position that valid consent must denote final authority belonging to the people, rather than elected officials, therefore this implies that the people have the absolute sovereign power to overrule their government at any time via popular vote (or as stated in the Declaration of Independence, "the right of the People to alter or abolish" their government). Without this unfettered power, theorists hold that true consent cannot exist and that any government is therefore despotism via governing the people by force without their actual consent.

Chapter 13

Royalists

Pitt–Newcastle ministry

Between 1757 and 1762, at the height of the Seven Years' War, the Pitt–Newcastle ministry governed the Kingdom of Great Britain. It was headed by Thomas Pelham-Holles, 1st Duke of Newcastle, serving in his second stint as prime minister. The most influential and famous minister however was William Pitt the Elder, Secretary of State.

History

The ministry ended a period of political instability, in which Great Britain had struggled in the war. Pitt was a strong war leader, but lacked the support in Parliament necessary to provide effective leadership. Newcastle provided this, as he had a strong base of support in the House of Commons. They divided duties between each other; Pitt directed defence and foreign policy, while Newcastle controlled the nation's finances and patronage.

The ministry led Britain to many victories in the war, particularly in the so-called *Annus Mirabilis* of 1759, which put the country in a strong position by 1761; that year however, Pitt resigned over a dispute concerning the entry of Spain into the war. Since King George II's death in 1760, the ministry had been under pressure by the accession of George III, who disliked both Pitt and Newcastle and favoured

John Stuart, 3rd Earl of Bute. Bute, a Tory, was made Northern Secretary in March 1761, and following Pitt's resignation the ministry is otherwise referred to as the **Bute-Newcastle coalition**.

In 1762 Newcastle was forced to resign, with his followers (the "Pelhamites") dismissed by Bute in what became known as the "Massacre of the Pelhamite Innocents"; this is traditionally considered to have been the moment the ministry collapsed.

Bute ministry

John Stuart, 3rd Earl of Bute, served as Prime Minister of Great Britain during 1762–1763. He was the first Tory Prime Minister since the Harley ministry during 1710–1714 though his ministry was largely made up of Whigs.

Bute resigned following fierce criticism of his signing of the Treaty of Paris with its perceived lenient terms for France and Spain despite Britain's successes in the Seven Years' War. The **Bute ministry** consisted largely of the same members as its successor, the Grenville ministry. George III favoured Bute, but could not keep him in government (Whiteley 1996, p. 44).

Grenville ministry

The **Grenville ministry** was a British Government headed by George Grenville which served between 16 April 1763 and 13 July 1765. It was formed after the previous Prime Minister, the Earl of Bute, had resigned following fierce criticism of his signing of the Treaty of Paris with its perceived lenient terms for France and

Spain despite Britain's successes in the Seven Years War. Grenville's government was made up largely of the same members as Bute's had. George III had a violent dislike of the new government because of his resentment of the way they had replaced his favourite Bute (Whiteley 1996, p. 44).

During its two years, the Ministry confronted growing discontent in Britain's American colonies which were to lead to the American War of Independence breaking out in 1775. The Ministry also had to deal with the antics of John Wilkes.

The King's violent dislike of Grenville eventually forced him to dismiss him as first minister and replaced him with the Marquess of Rockingham, whom he hated almost equally.

First Rockingham ministry

The **first Rockingham ministry** was a British ministry headed by the Marquess of Rockingham from 1765 to 1766 during the reign of King George III. The government was made up mainly of his followers known as the Rockingham Whigs. The most influential member of the government was the Duke of Newcastle, a former Prime Minister, who served as Lord Privy Seal. It is often referred to as the only government ever to have been made up almost entirely of members of the Jockey Club, with Rockingham himself being a prominent patron and follower of the turf. Rockingham was noted for his ignorance of foreign affairs, and his ministry failed to reverse the growing isolation of Britain within Europe (Simms 2008, p. 520).

The Rockingham ministry fell in 1766 and was replaced by one headed by William Pitt, later the Earl of Chatham.

Changes

- October 1765 – The Duke of Cumberland (also the uncle of King George III) dies.
- May 1766 – The Duke of Grafton resigns from the cabinet. Henry Seymour Conway succeeds him as Northern Secretary, and the Duke of Richmond succeeds Conway as Southern Secretary.

Chatham ministry

The Chatham ministry was a British government led by William Pitt, 1st Earl of Chatham that ruled between 1766 and 1768. Because of Pitt's former prominence before his title, it is sometimes referred to as the Pitt ministry. Unusually for a politician considered to be Prime Minister, Pitt was not First Lord of the Treasury during the administration, but instead held the post of Lord Privy Seal.

History

Pitt, who moved to the House of Lords as Earl of Chatham upon his accession to the ministry, was determined to form a ministry of "measures, not men" that would give office to the most competent men without regard to faction. Thus, the ministry kept on Secretary of State Henry Seymour Conway from the previous, Rockingham Whig, ministry, and, after Chatham's brother-in-law Lord Temple refused the Treasury and decided to continue in opposition with his brother, former prime minister George Grenville, he promoted Conway's fellow Rockingham Whig the Duke of Grafton to that position.

Chatham's own close associates Lord Camden and Lord Shelburne became Lord Chancellor and Southern Secretary of State, respectively, and the ministry was filled out with other politicians of unclear factional allegiance – keeping on Lord Egmont at the Admiralty and Lord Granby at the Ordnance Board, moving the former Lord Chancellor, Lord Northington to the sinecure position of Lord President of the Council, and appointing the slippery Charles Townshend to the Exchequer.

Chatham was ill with gout for long periods, and his government struggled to fulfill its various goals. Almost immediately its "measures, not men" philosophy began to come apart when Lord Egmont resigned the Admiralty due to his opposition to Chatham's foreign policy and was replaced by the Rockingham Whig Sir Charles Saunders. Its major foreign policy objective – to secure Britain a major alliance partner in Europe that would end its diplomatic isolation – failed when Frederick the Great of Prussia rejected an offer to reform the Anglo-Prussian Alliance.

Soon after, Chatham managed to largely alienate the heretofore cautiously friendly Rockingham faction by dismissing their ally Lord Edgcumbe, the Treasurer of the Household. Though both Grafton, who had already been moving away from the Rockinghams due to his strong admiration for Pitt, and Conway remained in the ministry, Saunders and a large number of non-cabinet officeholders from the Rockingham faction resigned their positions. Though Saunders was replaced by the competent Admiral Sir Edward Hawke, most of the other positions were given to former supporters of the royal favourite Lord Bute, increasing the unpopularity of the ministry and strengthening the opposition. At around the same time, and

with Chatham absent from the capital, the ministry was further riven by Chancellor Townshend's introduction of the idea of what was to become the Townshend Duties on the American colonies, which strongly divided the ministry.

In the midst of this crisis in early 1767 Chatham apparently had a nervous breakdown and withdrew entirely from the conduct of affairs. Grafton attempted to maintain the ministry in his absence, but with difficulty due to the alliance between the three opposition factions of the Rockingham Whigs, Bedford Whigs, and Grenvillites and to conflicts within the ministry itself. After an unsuccessful attempt to bring his former allies in the Rockingham faction to support the government, Grafton instead turned to the Bedfords, leading to a major reconstruction of the ministry in late 1767 and early 1768, with Bedford's followers Lord Gower and Lord Weymouth as Lord President and Northern Secretary (Conway became a minister without portfolio), and the like-minded Lord Hillsborough given the new office of Secretary of State for the Colonies – taking responsibility for the American colonies from the more conciliatory Shelburne, whose differences with the rest of the cabinet had led him to cease attendance at cabinet meetings. The death of Charles Townshend had also led to his replacement at the Exchequer by Lord North, who also took leadership of the commons over from Conway, who was increasingly uncomfortable with the direction of the ministry.

The adhesion of the Bedfords ultimately gave them a dominant role in the ministry, which they used to pursue a more hardline policy towards the American colonies than Chatham had originally intended, or than several of the remaining were comfortable with. In October 1768, the Bedfords persuaded

Grafton that it would be necessary to remove Shelburne from the ministry. This threatened dismissal roused Chatham, who resigned his post alongside Shelburne. Although Chatham's close friend Camden remained in the government, it was clear that the ministry was now dominated by the Bedfords, and the Duke of Grafton formally took over as Prime Minister and led the Grafton ministry, which lasted for slightly over a year until January 1770.

Grafton ministry

The **Grafton ministry** was the British government headed by Augustus FitzRoy, 3rd Duke of Grafton. It served between October 1768 and January 1770.

History

The Grafton ministry arose from the gradual decay of its predecessor, the Chatham ministry, which Grafton had effectively been leading for some time due to the illness and withdrawal from public affairs of its nominal head Lord Chatham. In order to maintain a comfortable parliamentary majority, Grafton had drawn the Bedford Whigs (Earl Gower, Viscount Weymouth, and the Earl of Hillsborough) into the ministry at the end of 1767. Although Grafton himself and many of the previous members of the government (including Chatham) supported a conciliatory policy towards Britain's restless American colonies, the Bedfords favoured stronger, more coercive measures, and the ministry, in spite of Grafton's own views, drifted towards the Bedford position. When this led to an attempt to replace the conciliatory Southern Secretary,

Lord Shelburne, Chatham finally roused himself enough to resign from his position as Lord Privy Seal, leaving Grafton as the nominal as well as real head of a ministry in which the Bedford faction was now stronger than ever.

The government was widely criticised for its handling of foreign affairs, particularly for allowing the Republic of Corsica, a British ally, to fall to the French during the Corsican Crisis. It was subject to a series of attacks in what became known as the Junius Letters. With the resignation in January 1770 of Grafton himself, Lord Camden, and Lord Granby, Chatham's remaining adherents in the cabinet, the Grafton ministry was replaced by the North ministry under the Chancellor of the Exchequer, Lord North, which was to last until 1782.

North ministry

Lord North was appointed to lead the government of the Kingdom of Great Britain by George III from 1770 to 1782. His ministry oversaw the Falklands Crisis (1770), the Gordon Riots (1780) and the outbreak of the American War of Independence.

Second Rockingham ministry

The North ministry resigned on 22 March 1782 after losing the confidence of Parliament following the British defeat at the siege of Yorktown during the American War of Independence. Whig Lord Rockingham, Prime Minister from 1765 to 1766, formed a government. The Rockingham Whigs had generally been sympathetic to the cause of the Colonists and under

Rockingham the British government began the negotiations leading to the Peace of Paris that concluded the war.

The death of Rockingham on 1 July 1782 caused a split in the ministry. Home Secretary Lord Shelburne was appointed to succeed him but several members of the government refused to serve under him and resigned. These "Portland Whigs" (named after their nominal leader, the Duke of Portland, but in reality led by Charles James Fox) allied in opposition with Lord North and brought down the Shelburne ministry in 1783, coming to power as the Fox–North coalition.

Shelburne ministry

- Upon the fall of the North ministry in March 1782, Whig Lord Rockingham became Prime Minister for a second time. He died in office four months later, and Home Secretary Lord Shelburne was invited to form a government. However, Charles James Fox and several other former Rockinghamites (including Cavendish and Burke) refused to serve under Shelburne and went into opposition. The Foxites allied with the supporters of Lord North to bring down the government, and the Fox–North coalition came to power in April 1783. This government did not long survive the hostility of King George III, and many of Shelburne's ministers returned to office under the leadership of William Pitt the Younger in December 1783, though Shelburne himself was consoled with the title Marquess of Lansdowne.

Fox–North coalition

The **Fox–North coalition** was a government in Great Britain that held office during 1783. As the name suggests, the ministry was a coalition of the groups supporting Charles James Fox and Lord North. The official head was William Cavendish-Bentinck, 3rd Duke of Portland, who took office on 2 April 1783.

Fox was a Whig by background, and North came from the nominal Tory Party; however, both had fallen out with the government of Lord Shelburne. They combined their forces in the House of Commons to throw out Shelburne's ministry and then form a government of their own.

King George III despised the government, and Fox in particular, but found that no other ministry could be formed at this stage despite several offers to William Pitt the Younger. Consequently the King declined to provide the government with the normal tools of patronage, and it was forced to look elsewhere.

The Treaty of Paris was signed during this government on 3 September 1783, formally ending the American Revolutionary War. The government also came under strain when, from the opposition, Pitt introduced a proposal for electoral reform to tackle bribery and rotten boroughs. The proposal did not pass, but caused tensions within the coalition which contained both proponents and opponents of political reform.

The British East India Company was in trouble; Fox proposed nationalising it, thus providing the government with a new source of appointments so that it could reward and maintain support. The East India Bill was introduced and passed in the Commons, but the King remained deeply opposed. He informed

the House of Lords that he would regard any peer who voted for the bill as his enemy. The bill was defeated on 17 December 1783 and the King immediately dismissed the coalition. It was succeeded by a government formed by William Pitt the Younger.

After being dismissed, Fox and North tried to force Pitt from power through defeat in the House of Commons, but he refused to resign. The response of opinion in the country, evidenced by petitions, resolutions of borough corporations and the actions of the London mobs, showed strong opposition to the coalition and support for Pitt. In March 1784 a general election was called in which Pitt's government made massive gains, especially in constituencies decided by popular votes.

Loyalist (American Revolution)

Loyalists were American colonists who remained loyal to the British Crown during the American Revolutionary War, often referred to as **Tories**, **Royalists** or **King's Men** at the time. They were opposed by the Patriots, who supported the revolution, and called them "persons inimical to the liberties of America."

Prominent Loyalists repeatedly assured the British government that many thousands of them would spring to arms and fight for the crown. The British government acted in expectation of that, especially in the southern campaigns in 1780–81. In practice, the number of Loyalists in military service was far lower than expected since Britain could not effectively protect them except in those areas where Britain had military control. The British were often suspicious of them, not knowing whom

they could fully trust in such a conflicted situation; they were often looked down upon.

Patriots watched suspected Loyalists very closely and would not tolerate any organized Loyalist opposition. Many outspoken or militarily active Loyalists were forced to flee, especially to their stronghold of New York City.

William Franklin, the royal governor of New Jersey and son of Patriot leader Benjamin Franklin, became the leader of the Loyalists after his release from a Patriot prison in 1778. He worked to build Loyalist military units to fight in the war, but the number of volunteers was much fewer than London expected.

When their cause was defeated, about 15 percent of the Loyalists (65,000–70,000 people) fled to other parts of the British Empire, to Britain itself, or to British North America (now Canada). The southern Loyalists moved mostly to Florida, which had remained loyal to the Crown, and to British Caribbean possessions. Northern Loyalists largely migrated to Ontario, Quebec, New Brunswick, and Nova Scotia.

They called themselves United Empire Loyalists. Most were compensated with Canadian land or British cash distributed through formal claims procedures. Loyalists who left the US received over £3 million or about 37% of their losses from the British government. Loyalists who stayed in the US were generally able to retain their property and become American citizens. Historians have estimated that between 15 and 20% of the 2,000,000 whites in the colonies in 1775 were Loyalists (300,000–400,000).

Background

Families were often divided during the American Revolution, and many felt themselves to be both American and British, still owing a loyalty to the mother country. Maryland lawyer Daniel Dulaney the Younger opposed taxation without representation but would not break his oath to the King or take up arms against him. He wrote: "There may be a time when redress may not be obtained. Till then, I shall recommend a legal, orderly, and prudent resentment". Most Americans hoped for a peaceful reconciliation but were forced to choose sides by the Patriots who took control nearly everywhere in the Thirteen Colonies in 1775–76.

Motives for Loyalism

Yale historian Leonard Woods Larabee has identified eight characteristics of the Loyalists that made them essentially conservative and loyal to the King and to Britain:

- They were older, better established, and resisted radical change.
- They felt that rebellion against the Crown – the legitimate government – was morally wrong.
- They felt alienated when the Patriots resorted to violence, such as burning down houses and tarring and feathering.
- They wanted to take a middle-of-the-road position and were not pleased when forced by Patriots to declare their opposition.

- They had a long-standing sentimental attachment to Britain (often with business and family links).
- They felt that independence from Britain would come eventually, but wanted it to come about organically.
- They were wary that chaos, corruption, and mob rule would come about as a result of revolution.
- Some were “pessimists” who did not display the same belief in the future that the Patriots did. Others recalled the dreadful experiences of many Jacobite rebels after the failure of the last Jacobite rebellion as recently as 1745 who often lost their lands when the Hanoverian government won.

Other motives of the Loyalists included:

- They felt a need for order and believed that Parliament was the legitimate authority.
- In New York, powerful families had assembled colony-wide coalitions of supporters; men long associated with the French Huguenot/Dutch De Lancey faction went along when its leadership decided to support the crown.
- They felt themselves to be weak or threatened within American society and in need of an outside defender such as the British Crown and Parliament.
- Black loyalists were promised freedom from slavery by the British.
- They felt that being a part of the British Empire was crucial in terms of commerce and their business operations.

Loyalism and military operations

In the opening months of the Revolutionary War, the Patriots laid siege to Boston, where most of the British forces were stationed. Elsewhere there were few British troops and the Patriots seized control of all levels of government, as well as supplies of arms and gunpowder. Vocal Loyalists recruited people to their side, often with the encouragement and assistance of royal governors. In the South Carolina back country, Loyalist recruitment outstripped that of Patriots. A brief siege at Ninety Six, South Carolina in the fall of 1775 was followed by a rapid rise in Patriot recruiting, and a Snow Campaign involving thousands of partisan militia resulted in the arrest or flight of most of the back country Loyalist leadership. North Carolina back country Scots and former Regulators joined forces in early 1776, but they were broken as a force at the Battle of Moore's Creek Bridge.

By July 4, 1776, the Patriots had gained control of virtually all territory in the Thirteen Colonies and expelled all royal officials. No one who openly proclaimed their loyalty to the Crown was allowed to remain, so Loyalists fled or kept quiet. Some of those who remained later gave aid to invading British armies or joined uniformed Loyalist regiments.

The British were forced out of Boston by March 17, 1776. They regrouped at Halifax and attacked New York in August, defeating George Washington's army at Long Island and capturing New York City and its vicinity, and they occupied the mouth of the Hudson River until 1783. British forces seized control of other cities, including Philadelphia (1777), Savannah, Georgia (1778–83), and Charleston, South Carolina

(1780–82). But 90% of the colonial population lived outside the cities, with the effective result that Congress represented 80 to 90 percent of the population. The British removed their governors from colonies where the Patriots were in control, but Loyalist civilian government was re-established in coastal Georgia from 1779 to 1782, despite presence of Patriot forces in the northern part of Georgia. Essentially, the British were only able to maintain power in areas where they had a strong military presence.

Numbers of Loyalists

Historian Robert Calhoon wrote in 2000, concerning the proportion of Loyalists to Patriots in the Thirteen Colonies:

Historians' best estimates put the proportion of adult white male loyalists somewhere between 15 and 20 percent. Approximately half the colonists of European ancestry tried to avoid involvement in the struggle—some of them deliberate pacifists, others recent immigrants, and many more simple apolitical folk. The patriots received active support from perhaps 40 to 45 percent of the white populace, and at most no more than a bare majority.

Before Calhoon's work, estimates of the Loyalist share of the population were somewhat higher, at about one-third, but these estimates are now rejected as too high by most scholars. In 1968 historian Paul H. Smith estimated there were about 400,000 Loyalists, or 16% of the white population of 2.25 million in 1780.

Historian Robert Middlekauff summarized scholarly research on the nature of Loyalist support as follows:

The largest number of loyalists were found in the middle colonies: many tenant farmers of New York supported the king, for example, as did many of the Dutch in the colony and in New Jersey. The Germans in Pennsylvania tried to stay out of the Revolution, just as many Quakers did, and when that failed, clung to the familiar connection rather than embrace the new. Highland Scots in the Carolinas, a fair number of Anglican clergy and their parishioners in Connecticut and New York, a few Presbyterians in the southern colonies, and a large number of the Iroquois stayed loyal to the king.

New York City and Long Island were the British military and political base of operations in North America from 1776 to 1783 and had a large concentration of Loyalists, many of whom were refugees from other states.

According to Calhoun, Loyalists tended to be older and wealthier, but there were also many Loyalists of humble means. Many active Church of England members became Loyalists. Some recent arrivals from Britain, especially those from Scotland, had a high Loyalist proportion. Loyalists in the southern colonies were suppressed by the local Patriots, who controlled local and state government. Many people—including former Regulators in North Carolina — refused to join the rebellion, as they had earlier protested against corruption by local authorities who later became Revolutionary leaders. The oppression by the local Whigs during the Regulation led to many of the residents of backcountry North Carolina sitting out the Revolution or siding with the Loyalists.

In areas under Patriot control, Loyalists were subject to confiscation of property, and outspoken supporters of the king

were threatened with public humiliation such as tarring and feathering, or physical attack. It is not known how many Loyalist civilians were harassed by the Patriots, but the treatment was a warning to other Loyalists not to take up arms.

In September 1775, William Drayton and Loyalist leader Colonel Thomas Fletchall signed a treaty of neutrality in the interior community of Ninety Six, South Carolina. For actively aiding the British army when it occupied Philadelphia, two residents of the city were tried for treason, convicted, and executed by returning Patriot forces.

Slavery and Black Loyalists

As a result of the looming crisis in 1775, the Royal Governor of Virginia, Lord Dunmore, issued a proclamation that promised freedom to indentured servants and slaves who were able to bear arms and join his Loyalist Ethiopian Regiment. Many of the slaves in the South joined the Loyalists with intentions of gaining freedom and escaping the South.

About 800 did so; some helped rout the Virginia militia at the Battle of Kemp's Landing and fought in the Battle of Great Bridge on the Elizabeth River, wearing the motto "Liberty to Slaves", but this time they were defeated.

The remains of their regiment were then involved in the evacuation of Norfolk, after which they served in the Chesapeake area. Eventually the camp that they had set up there suffered an outbreak of smallpox and other diseases. This took a heavy toll, putting many of them out of action for some time. The survivors joined other Loyalist units and

continued to serve throughout the war. African-Americans were often the first to come forward to volunteer and a total of 12,000 African Americans served with the British from 1775 to 1783. This forced the Patriots to also offer freedom to those who would serve in the Continental Army, with thousands of Black Patriots serving in the Continental Army.

Americans who gained their freedom by fighting for the British became known as Black Loyalists. The British honored the pledge of freedom in New York City through the efforts of General Guy Carleton, who recorded the names of African Americans who had supported the British in a document called the Book of Negroes, which granted freedom to slaves who had escaped and assisted the British.

About 4,000 Black Loyalists went to the British colonies of Nova Scotia and New Brunswick, where they were promised land grants. They founded communities across the two provinces, many of which still exist today. Over 2,500 settled in Birchtown, Nova Scotia, instantly making it the largest free black community in North America.

However, the long period of waiting time to be officially given land grants that were given to them and the prejudices of white Loyalists in nearby Shelburne who regularly harassed the settlement in events such as the Shelburne Riots in 1784, made life very difficult for the community. In 1791 the Sierra Leone Company offered to transport dissatisfied black Loyalists to the nascent colony of Sierra Leone in West Africa, with the promise of better land and more equality. About 1,200 left Nova Scotia for Sierra Leone, where they named the capital Freetown. After 1787 they became Sierra Leone's ruling elite.

About 400 to 1,000 free blacks who joined the British side in the Revolution went to London and joined the free black community of about 10,000 there.

Loyalist women

While men were out fighting for the Crown, women served at home protecting their land and property. At the end of the war, many loyalist men left America for the shelter of England, leaving their wives and daughters to protect their land. The main punishment for Loyalist families was the expropriation of property, but married women were protected under "feme covert", which meant that they had no political identity and their legal rights were absorbed by their husbands. This created an awkward dilemma for the confiscation committees: confiscating the land of such a woman would punish her for her husband's actions. In fact, many women were punished in this way. Grace Growden Galloway recorded the experience in her diary. Galloway's property was seized by the Rebels and she spent the rest of her life fighting to regain it. It was returned to her heirs in 1783, after she and her husband had died.

Loyalism in Canada and Nova Scotia

Rebel agents were active in Quebec (which was then frequently called "Canada", the name of the earlier French province) in the months leading to the outbreak of active hostilities. John Brown, an agent of the Boston Committee of Correspondence, worked with Canadian merchant Thomas Walker and other rebel sympathisers during the winter of 1774–1775 to convince inhabitants to support the actions of the First Continental

Congress. However, many of Quebec's inhabitants remained neutral, resisting service to either the British or the Americans.

Although some Canadians took up arms in support of the rebellion, the majority remained loyal to the King. French Canadians had been satisfied by the British government's Quebec Act of 1774, which offered religious and linguistic toleration; in general, they did not sympathize with a rebellion that they saw as being led by Protestants from New England, who were their commercial rivals and hereditary enemies. Most of the English-speaking settlers had arrived following the British conquest of Canada in 1759–1760, and were unlikely to support separation from Britain. The older British colonies, Newfoundland and Nova Scotia (including what is now New Brunswick) also remained loyal and contributed military forces in support of the Crown.

In late 1775 the Continental Army sent a force into Quebec, led by General Richard Montgomery and Colonel Benedict Arnold, with the goal of convincing the residents of Quebec to join the Revolution. Although only a minority of Canadians openly expressed loyalty to King George, about 1,500 militia fought for the King in the Siege of Fort St. Jean. In the region south of Montreal that was occupied by the Continentals, some inhabitants supported the rebellion and raised two regiments to join the Patriot forces.

In Nova Scotia, there were many Yankee settlers originally from New England, and they generally supported the principles of the revolution. The allegiance toward the rebellion waned as American privateers raided Nova Scotia communities

throughout the war. As well, the Nova Scotia government used the law to convict people for sedition and treason for supporting the rebel cause. There was also the influence of an influx of recent immigration from the British isles, and they remained neutral during the war, and the influx was greatest in Halifax. Britain in any case built up powerful forces at the naval base of Halifax after the failure of Jonathan Eddy to capture Fort Cumberland in 1776. Although the Continentals captured Montreal in November 1775, they were turned back a month later at Quebec City by a combination of the British military under Governor Guy Carleton, the difficult terrain and weather, and an indifferent local response. The Continental forces would be driven from Quebec in 1776, after the breakup of ice on the St. Lawrence River and the arrival of British transports in May and June. There would be no further serious attempt to challenge British control of present-day Canada until the War of 1812.

In 1777, 1,500 Loyalist militia took part in the Saratoga campaign in New York, and surrendered with General Burgoyne after the Battles of Saratoga in October. For the rest of the war, Quebec acted as a base for raiding expeditions, conducted primarily by Loyalists and Indians, against frontier communities.

Military service

The Loyalists rarely attempted any political organization. They were often passive unless regular British army units were in the area. The British, however, assumed a highly activist Loyalist community was ready to mobilize and planned much of their strategy around raising Loyalist regiments. The British

provincial line, consisting of Americans enlisted on a regular army status, enrolled 19,000 Loyalists (50 units and 312 companies). The maximum strength of the Loyalist provincial line was 9,700 in December 1780. In all about 19,000 at one time or another were soldiers or militia in British forces. Loyalists from South Carolina fought for the British in the Battle of Camden. The British forces at the Battle of Monck's Corner and the Battle of Lenud's Ferry consisted entirely of Loyalists with the exception of the commanding officer (Banastre Tarleton). Both white and black Loyalists fought for the British at the Battle of Kemp's Landing in Virginia.

Emigration from the United States

Historian Maya Jasanoff estimated how many Loyalists departed the U.S. for British North America. She calculates 60,000 in total, including about 50,000 whites (Wallace Brown cites about 80,000 Loyalists in total permanently left the United States.). The majority of them – 36,000 – to New Brunswick and Nova Scotia, while about 6,600 went to Quebec and 2,000 to Prince Edward Island. 5,090 white Loyalists went to Florida, bringing along their slaves who numbered about 8,285 (421 whites and 2561 blacks returned to the States from Florida). When Florida was returned to Spain, however, very few Loyalists remained there. 6,000 whites went to Jamaica and other Caribbean islands, notably the Bahamas. About 13,000 went to Britain (including 5,000 free blacks). The total is 60–62,000 whites.

A precise figure cannot be known because the records were incomplete and not accurate, and small numbers continued to leave after 1783. The 50,000 or-so white departures

represented about 10% of the Loyalists (at 20-25% of the white population). Loyalists (especially soldiers and former officials) could choose evacuation. Loyalists whose roots were not yet deeply embedded in the United States were more likely to leave; older people who had familial bonds and had acquired friends, property, and a degree of social respectability were more likely to remain in the US. The vast majority of the half-million white Loyalists, about 20-25% of the total number of whites, remained in the U.S. Starting in the mid-1780s a small percentage of those who had left returned to the United States. The exiles amounted to about 2% of the total US population of 3 million at the end of the war in 1783.

After 1783 some former Loyalists, especially Germans from Pennsylvania, emigrated to Canada to take advantage of the British government's offer of free land. Many departed the fledgling U.S. because they faced continuing hostility. In another migration-motivated mainly by economic rather than political reasons- more than 20,000 and perhaps as many as 30,000 "Late Loyalists" arrived in Ontario in the 1790s attracted by Lieutenant-Governor Simcoe's policy of land and low taxes, one-fifth those in the US and swearing an oath of allegiance to the King.

The 36,000 or so who went to Nova Scotia were not well received by the 17,000 Nova Scotians, who were mostly descendants of New Englanders settled there before the Revolution. "They [the Loyalists]", Colonel Thomas Dundas wrote in 1786, "have experienced every possible injury from the old inhabitants of Nova Scotia, who are even more disaffected towards the British Government than any of the new States ever were. This makes me much doubt their remaining long

dependent." In response, the colony of New Brunswick, until 1784 part of Nova Scotia, was created for the 14,000 who had settled in those parts. Of the 46,000 who went to Canada, 10,000 went to Quebec, especially what is now modern-day Ontario, the rest to Nova Scotia and PEI.

Realizing the importance of some type of consideration, on November 9, 1789, Lord Dorchester, the governor of Quebec, declared that it was his wish to "put the mark of Honour upon the Families who had adhered to the Unity of the Empire." As a result of Dorchester's statement, the printed militia rolls carried the notation:

Those Loyalists who have adhered to the Unity of the Empire, and joined the Royal Standard before the Treaty of Separation in the year 1783, and all their Children and their Descendants by either sex, are to be distinguished by the following Capitals, affixed to their names: U.E. Alluding to their great principle The Unity of the Empire.

The post-nominals "U.E." are rarely seen today, but the influence of the Loyalists on the evolution of Canada remains. Their ties to Britain and/or their antipathy to the United States provided the strength needed to keep Canada independent and distinct in North America. The Loyalists' basic distrust of republicanism and "mob rule" influenced Canada's gradual path to independence. The new British North American provinces of Upper Canada (the forerunner of Ontario) and New Brunswick were founded as places of refuge for the United Empire Loyalists.

In an interesting historical twist Peter Matthews, a son of Loyalists, participated in the Upper Canada Rebellion which

sought relief from oligarchic British colonial government and pursued American-style Republicanism. He was arrested, tried and executed in Toronto, and later became heralded as a patriot to the movement which led to Canadian self governance.

The wealthiest and most prominent Loyalist exiles went to Great Britain to rebuild their careers; many received pensions. Many Southern Loyalists, taking along their slaves, went to the West Indies, particularly to the Abaco Islands in the Bahamas.

Certain Loyalists who fled the United States brought their slaves with them to Canada (mostly to areas that later became Ontario and New Brunswick) where slavery was legal. An imperial law in 1790 assured prospective immigrants to Canada that their slaves would remain their property.

However, a law enacted by eminent British lieutenant general and founder of modern Toronto John Graves Simcoe in 1793 entitled the Act Against Slavery tried to suppress slavery in Upper Canada by halting the sale of slaves to the United States, and by freeing slaves upon their escape from the latter into Canada. Simcoe desired to demonstrate the merits of loyalism and abolitionism in Upper Canada in contrast to the nascent republicanism and prominence of slavery in the United States, and, according to historian Stanley R. Mealing:

- "...he had not only the most articulate faith in its imperial destiny but also the most sympathetic appreciation of the interests and aspirations of its inhabitants".

However the actual law was a compromise. According to historian Afua Cooper, Simcoe's law required children in slavery to be freed when they reached age 25 and:

- forbade the importation of slaves but, to Simcoe's disappointment, did not grant freedom to adult slaves. Having not been freed by the act, many Canadian slaves fled across the border into the Old Northwest Territory, where slavery had been abolished.

Thousands of Iroquois and other Native Americans were expelled from New York and other states and resettled in Canada. The descendants of one such group of Iroquois, led by Joseph Brant (Thayendenega), settled at Six Nations of the Grand River, the largest First Nations reserve in Canada. (The remainder, under the leadership of Cornplanter (John Abeel) and members of his family, stayed in New York.) A group of African-American Loyalists settled in Nova Scotia but emigrated again for Sierra Leone after facing discrimination there. Many of the Loyalists were forced to abandon substantial properties to America restoration of or compensation for these lost properties was a major issue during the negotiation of the Jay Treaty in 1794. The British Government eventually settled several thousand claims for more than 3.5 million Pounds Sterling, an enormous sum of money worth at that time.

Return of some expatriates

The great majority of Loyalists never left the United States; they stayed on and were allowed to be citizens of the new

country. Some became nationally prominent leaders, including Samuel Seabury, who was the first Bishop of the Episcopal Church, and Tench Coxe. There was a small, but significant trickle of returnees who found life in Nova Scotia and New Brunswick too difficult. Perhaps 10% of the refugees to New Brunswick returned to the States as did an unknown number from Nova Scotia. Some Massachusetts Tories settled in the Maine District. Nevertheless, the vast majority never returned. Captain Benjamin Hallowell, who as Mandamus Councilor in Massachusetts served as the direct representative of the Crown, was considered by the insurgents as one of the most hated men in the Colony, but as a token of compensation when he returned from England in 1796, his son was allowed to regain the family house.

Alexander Hamilton enlisted the help of the Tories (ex-Loyalists) in New York in 1782–85 to forge an alliance with moderate Whigs to wrest the State from the power of the Clinton faction. Moderate Whigs in other States who had not been in favor of separation from Britain but preferred a negotiated settlement which would have maintained ties to the Mother Country mobilized to block radicals. Most States had rescinded anti-Tory laws by 1787, although the accusation of being a Tory was heard for another generation. Several hundred who had left for Florida returned to Georgia in 1783–84. South Carolina which had seen a bitter bloody internal civil war in 1780-82 adopted a policy of reconciliation that proved more moderate than any other state. About 4500 white Loyalists left when the war ended, but the majority remained behind. The state government successfully and quickly reincorporated the vast majority. During the war, pardons were offered to Loyalists who switched sides and joined the Patriot

forces. Others were required to pay a 10% fine of the value of the property. The legislature named 232 Loyalists liable for the confiscation of their property, but most appealed and were forgiven. In Connecticut much to the disgust of the Radical Whigs the moderate Whigs were advertising in New York newspapers in 1782-83 that Tories who would make no trouble would be welcome on the grounds that their skills and money would help the State's economy. The Moderates prevailed. All anti-Tory laws were repealed in early 1783 except for the law relating to confiscated Tory estates: "... the problem of the loyalists after 1783 was resolved in their favor after the War of Independence ended." In 1787 the last of any discriminatory laws were rescinded.

Impact of the departure of Loyalist leaders

The departure of so many royal officials, rich merchants and landed gentry destroyed the hierarchical networks that had dominated most of the colonies. A major result was that a Patriot/Whig elite supplanted royal officials and affluent Tories. In New York, the departure of key members of the De Lancey, De Peyster, Walton and Cruger families undercut the interlocking families that largely owned and controlled the Hudson Valley. Likewise in Pennsylvania, the departure of powerful families—Penn, Allen, Chew, Shippen—destroyed the cohesion of the old upper class there. Massachusetts passed an act banishing forty-six Boston merchants in 1778, including members of some of Boston's wealthiest families. The departure of families such as the Ervings, Winslows, Clarks,

and Lloyds deprived Massachusetts of men who had hitherto been leaders of networks of family and clients. The bases of the men who replaced them were much different. One rich Patriot in Boston noted in 1779 that "fellows who would have cleaned my shoes five years ago, have amassed fortunes and are riding in chariots." New men became rich merchants but they shared a spirit of republican equality that replaced the former elitism.

The Patriot reliance on Catholic France for military, financial and diplomatic aid led to a sharp drop in anti-Catholic rhetoric. Indeed, the king replaced the pope as the demon Patriots had to fight against. Anti-Catholicism remained strong among Loyalists, some of whom went to Canada after the war most remained in the new nation. By the 1780s, Catholics were extended legal toleration in all of the New England states that previously had been so hostile. "In the midst of war and crisis, New Englanders gave up not only their allegiance to Britain but one of their most dearly held prejudices."

Black Loyalist

Black Loyalists were people of African descent who sided with the Loyalists during the American Revolutionary War. In particular, the term refers to men who escaped the enslavement of Patriot masters and served on the Loyalist side because of the Crown's promises of freedom.

Some 3,000 Black Loyalists were evacuated from New York to Nova Scotia; they were individually listed in the *Book of Negroes* as the British gave them certificates of freedom and arranged for their transportation. The Crown gave them land grants and supplies to help them resettle in Nova Scotia. Some

of the European Loyalists who emigrated to Nova Scotia brought their enslaved servants with them, making for an uneasy society. One historian has argued that those enslaved people should not be regarded as Loyalists, as they had no choice in their fates. Other Black Loyalists were evacuated to London or the Caribbean colonies.

Thousands of enslaved people escaped from plantations and fled to British lines, especially after British occupation of Charleston, South Carolina. When the British evacuated, they took many former enslaved people with them. Many ended up among London's Black Poor, with 4,000 resettled by the Sierra Leone Company to Freetown in Africa in 1787. Five years later, another 1,192 Black Loyalists from Nova Scotia chose to emigrate to Sierra Leone, becoming known as the Nova Scotian settlers in the new British colony of Sierra Leone. Both waves of settlers became part of the Sierra Leone Creole people and the founders of the nation of Sierra Leone. Thomas Jefferson referred to the Black Loyalists as "the fugitives from these States". While most Black Loyalists gained freedom, some did not. Those who were recaptured by slave traders were sold back into slavery and treated harshly for having served under the British.

Background

Slavery in England had never been authorized by legal statutes. Villeinage, a form of semi-serfdom, was legally recognized but long obsolete. In 1772, a slave threatened with being taken out of England and returned to the Caribbean challenged the authority of his master in *Somerset's case*. Chief Justice Lord Mansfield ruled that slavery had no

standing under common law and slave owners therefore were not permitted to transport slaves outside England and Wales against their will. Many observers took it to mean that slavery was ended in England.

Lower courts often interpreted the ruling as determining that the status of slavery did not exist in England and Wales, but Mansfield had ruled more narrowly. The decision did not apply to the Thirteen Colonies and Caribbean colonies, where legislatures had passed laws to institutionalize slavery. A number of cases were presented to the English courts for the emancipation of slaves residing in England, and numerous American runaways hoped to reach England where they expected to gain freedom.

American slaves began to believe that King George III was for them and against their masters as tensions increased before the American Revolution. Colonial slaveholders feared a British-inspired slave revolt, and Lord Dunmore wrote to Lord Dartmouth in early 1775 of his intention to take advantage of the situation.

Proclamations

Lord Dunmore's Proclamation

In November 1775, Lord Dunmore issued the controversial Lord Dunmore's Proclamation. As Virginia's royal governor, he called on all able-bodied men to assist him in the defense of the colony, including slaves belonging to the Patriots. He promised such slave recruits freedom in exchange for service in the British Army.

I do require every Person capable of bearing Arms, to resort to His MAJESTY'S STANDARD, or be looked upon as Traitors to His MAJESTY'S Crown and Government, and thereby become liable to the Penalty the Law inflicts upon such Offences; such as forfeiture of Life, confiscation of Lands, &c. &c. And I do hereby further declare all indentured Servants, Negroes, or others, (appertaining to Rebels,) free that are able and willing to bear Arms, they joining His MAJESTY'S Troops as soon as may be, for the more speedily reducing this Colony to a proper Sense of their Duty, to His MAJESTY'S Crown and Dignity.

- — *Lord Dunmore's Proclamation, November 7, 1775*

Within a month, about 800 former slaves had fled to Norfolk, Virginia to enlist. Outraged Virginia slave owners decreed that runaway slaves would be executed, and they also counteracted the promises of Lord Dunmore by claiming that slaves who escaped to the British would be sold to sugar cane plantations in the West Indies. But many slaves were willing to risk their lives for a chance at freedom.

Lord Dunmore's Proclamation was the first mass emancipation of slaves in America. The 1776 Declaration of Independence refers obliquely to the Proclamation by citing it as one of its grievances, that King George III had "excited domestic Insurrections among us". An earlier version of the Declaration was more explicit, stating the following of King George III, but these controversial details were dropped during the final development of the document in Congress.

He is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he has obtruded them: thus

paying off former crimes committed against the Liberties of one people, with crimes which he urges them to commit against the lives of another.

- — *Draft Declaration of Independence, 1776*

After the war began, a number of British generals issued proclamations calling for Loyalists to free their slaves so that they could join the undermanned British army and bolster its numbers. Among those issuing proclamations were John Murray, 4th Earl of Dunmore, Governor of Virginia, and Sir Henry Clinton. Jamaica's Governor John Dalling drafted a proposal in 1779 for the enlistment of a regiment of mulattoes and another regiment of free Negroes.

Philipsburg Proclamation

With the arrival of 30,000 Hessian mercenary troops, the British did not have as much need of former slaves. Sir William Howe banned the formation of new Black regiments and disbanded his own. But freeing slaves of rebels still held value as economic warfare against the American so-called Patriots. In 1779, Sir Henry Clinton issued the Philipsburg Proclamation, expanding Lord Dunmore's Proclamation and promising freedom to any escaped slave of a Patriot.

By contrast, the British often returned escaped slaves to Loyalist masters and requested the owner to refrain from punishment. In 1778 the Patriots promised freedom to escaped slaves of Loyalists. Many on both sides, however, captured these individuals and sold them again into slavery.

Evacuation and resettlement

When the British evacuated their troops from Charleston and New York after the war, they made good on their promises and took thousands of freed slaves with them. They resettled the freedmen in colonies in the Caribbean, such as Jamaica, and in Nova Scotia and Upper Canada, as well as transporting some to London.

The Canadian climate and other factors made Nova Scotia difficult. In addition, the Poor Blacks of London, many former slaves, had trouble getting work.

British activists ultimately founded Freetown in what became Sierra Leone on the coast of West Africa, as a place to resettle Black Loyalists from London and Canada, and Jamaican Maroons. Nearly 2,000 Black Loyalists left Nova Scotia to help found the new colony in Africa.

Black Loyalist military units

Lord Dunmore's proclamation and others led to the formation of several Black regiments in the British army. The most notable were Dunmore's Ethiopian Regiment and Clinton's Black Company of Pioneers. Other regiments included the Jersey Shore Volunteers, the Jamaica Rangers, the Mosquito Shore Volunteers, and the Black Dragoons of the South Carolina Royalists. It was also common for Black Loyalists to serve the military in non-combat positions, such as the Black Company of Pioneers.

Black Company of Pioneers and Guides and Pioneers

The largest Black Loyalist regiment was the Black Company of Pioneers, better known as the "Black Pioneers" and later merged into the Guides and Pioneers. In the military terminology of the day, a "pioneer" was a soldier who built roads, dug trenches, and did other manual labor. These soldiers were typically divided into smaller corps and attached to larger armies. The Black Pioneers worked to build fortifications and other necessities, and they could be called upon to work under fire. They served under General Clinton in a support capacity in North Carolina, New York, Newport, Rhode Island, and Philadelphia. They did not sustain any casualties because they were never used in combat. In Philadelphia, their general orders to "attend the scavengers, assist in cleaning the streets & removing all newsiances being thrown into the streets".

Ethiopian Regiment

Lord Dunmore organized his 800 Black Loyalist volunteers into the Ethiopian Regiment. They trained in the rudiments of marching and shooting before engaging in their first conflict at the Battle of Kemp's Landing. The Patriot militia at Kemp's Landing was unprepared for the attack and retreated. Next, Dunmore led the Royal Ethiopians into the Battle of Great Bridge; Dunmore was overconfident and misinformed about the Patriot numbers, however, and the Patriots overwhelmed the British troops. After the battle, Dunmore loaded his Black troops onto ships of the British fleet, hoping to take the opportunity to train them better. The cramped conditions led to the spread of smallpox. By the time that Dunmore retreated

to the Province of New York, only 300 of the original 800 soldiers had survived.

Black Brigade

The "Black Brigade" was a small combat unit of 24 in New Jersey led by Colonel Tye, a slave from Monmouth County, New Jersey who had escaped to British lines early in the war. The title of colonel was not an official military designation, as blacks were not formally commissioned as officers, but such titles were permitted in an unofficial capacity.

Tye and the Black Brigade were the most feared Loyalists in New Jersey, and he led them in several raids from 1778 at the Battle of Monmouth to defending the British in occupied New York in the winter of 1779. Beginning in June 1780, Tye led several actions against Patriots in Monmouth County, and he was wounded in the wrist during a raid on a Patriot militia leader in September. Within weeks, he died from gangrene, and Black Pioneer leader Stephen Blucke took over the Black Brigade and led it through the end of the war.

Postwar treatment

When peace negotiations began after the Battle of Yorktown, a primary issue of debate was the fate of Black British soldiers. Loyalists who remained in the United States wanted Black soldiers returned so their chances of receiving reparations for damaged property would be increased, but British military leaders fully intended to keep the promise of freedom made to Black soldiers despite the anger of the Americans.

In the chaos as the British evacuated Loyalist refugees, particularly from New York and Charleston, many American slave owners attempted to recapture their former slaves. Some would capture any Black, including those born free before the war, and sell them into slavery. The US Congress ordered George Washington to retrieve any American property, including slaves, from the British, as stipulated by the Treaty of Paris (1783).

Since Sir Guy Carleton intended to honour the promise of freedom, the British proposed a compromise that would compensate slave owners and provide certificates of freedom and the right to be evacuated to one of the British colonies to any Black person who could prove his service or status. The British transported more than 3,000 Black Loyalists to Nova Scotia, the greatest number of people of African descent to arrive there at any one time. One of their settlements, Birchtown, Nova Scotia was the largest free African community in North America for the first few years of its existence.

Black Loyalists found the northern climate and frontier conditions in Nova Scotia difficult and were subject to discrimination by other Loyalist settlers, many of them slaveholders. In July 1784, Black Loyalists in Shelburne were targeted in the Shelburne Riots, the first recorded race riots in Canadian history. The Crown officials granted land to the Black Loyalists of lesser quality and that were more rocky and less fertile than that given to White Loyalists. In 1792, the British government offered Black Loyalists the chance to resettle in a new colony in Sierra Leone. The Sierra Leone Company was established to manage its development. Half of the Black Loyalists in Nova Scotia, nearly 1200, departed the

country and moved permanently to Sierra Leone. They set up the community of "Freetown". In 1793, the British transported another 3,000 Blacks to Florida, Nova Scotia and England as free men and women. Their names were recorded in the *Book of Negroes* by General Carleton.

Not all were so lucky. In the South, blacks were seen as easy targets, and planters often ignored their claims of freedom. Many British officers and Loyalists considered them to be spoils of war. When Britain ceded Florida to Spain, many of the freedmen, who had been transported there from the United States, were left behind when the British pulled out. However, the Spanish both offered freedom and the right to bear arms to blacks who would convert to Catholicism and encouraged slaves to escape to Florida.

Descendants

Many descendants of Black loyalists have been able to track their ancestry by using General Carleton's *Book of Negroes*. The number of these descendants is unknown.

Nova Scotia

- Between 1776 and 1785, around 3,500 Blacks were transported to Nova Scotia from the United States, part of a larger migration of about 34,000 Loyalist refugees. This massive influx of people increased the population by almost 60%, and led to the establishment of New Brunswick as its own colony in 1784. Most of the free Blacks settled at Birchtown, the largest Black township in North America at the

time, next to the town of Shelburne, settled by whites. There are also a number of Black loyalists buried in unmarked graves in the Old Burying Ground (Halifax, Nova Scotia).

Among, the descendants of the Black Loyalists are noted figures such as Rose Fortune, a Black woman living in Nova Scotia who became a police officer and a businesswoman. Measha Brueggergosman (née Gosman), the Canadian opera and concert singer, is a New Brunswick native and descendant of a Black Loyalist through her father.

In the closing days of the Revolution, along with British troops and other Black Loyalists, her paternal four-times-great-grandfather and grandmother left the colonies. They were resettled in Shelburne with their first child, who had been born free behind British lines in New York.

Commemoration

The Black Loyalist settlement of Birchtown, Nova Scotia was declared a National Historic Site in 1997. A seasonal museum commemorating the Black Loyalists was opened in that year by the Black Loyalist Heritage Society.

A memorial has been established at the Black Loyalist Burying Ground. Built around the historic Birchtown school and church, the museum was badly damaged by an arson attack in 2008 but rebuilt. The Society began plans for a major expansion of the museum to tell the story of the Black Loyalists in America, Nova Scotia and Sierra Leone.

Sierra Leone

Some Black Loyalists were transported to London, where they struggled to create new lives. Sympathy for the black veterans who had fought for the British stimulated support for the Committee for the Relief of the Black Poor.

This organization backed the resettlement of the black poor from London to a new British colony of Sierra Leone in West Africa. In addition, Black Loyalists in Nova Scotia were offered the opportunity to relocate, and about half chose to move to the new colony. Today the descendants of these pioneers are known as the Sierra Leone Creole people, or Krios. They live primarily in the Western Area of Freetown.

Black Loyalists from the American South brought their languages to Freetown, such as Gullah from the Low Country and African American Vernacular English. Their *lingua franca* was a strong influence on the descendants of this community, who developed *Krio* as a language. Many of the Sierra Leone Creoles or *Krios* can trace their ancestry directly to their Black Loyalist ancestors.

An example of such an ancestor is Harry Washington, likely born about 1740 in The Gambia, enslaved as a young man and shipped to Virginia. He was purchased by George Washington in 1763; he escaped about 1776 in Virginia to British lines, eventually making his way to New York.

He was among free blacks evacuated to Nova Scotia by the British following the war. He later took the opportunity to migrate to Freetown in Africa. There by 1800 he became the leader of a rebellion against colonial rule and faced a military

tribunal. His descendants are part of the Creole population, who make up 5.8% of the total.

Notable Black Loyalists

- Stephen Blucke
- David George
- Abraham Hazeley
- Boston King
- John Kizell
- John Marrant
- Cato Perkins
- Thomas Peters
- Colonel Tye
- Harry Washington

Chapter 14

Navigation Acts

The Navigation Acts, or more broadly the Acts of Trade and Navigation, was a long series of English laws that developed, promoted, and regulated English ships, shipping, trade, and commerce between other countries and with its own colonies. The laws also regulated England's fisheries and restricted foreigners' participation in its colonial trade. While based on earlier precedents, they were first enacted in 1651 under the Commonwealth. The system was reenacted and broadened with the restoration by the Act of 1660, and further developed and tightened by the Navigation Acts of 1663, 1673, and 1696. Upon this basis during the 18th century, the Acts were modified by subsequent amendments, changes, and the addition of enforcement mechanisms and staff. Additionally, a major change in the very purpose of the Acts in the 1760s – that of generating a colonial revenue, rather than only regulating the Empire's trade – would help lead to major rebellions, and significant changes in the implementation of the Acts themselves.

The Acts generally prohibited the use of foreign ships, required the employment of English and colonial mariners for 75% of the crews, including East India Company ships. The Acts prohibited colonies from exporting specific, enumerated, products to countries other than Britain and those countries' colonies, and mandated that imports be sourced only through Britain. Overall, the Acts formed the basis for English (and later) British overseas trade for nearly 200 years, but with the development and gradual acceptance of free trade, the Acts

were eventually repealed in 1849. The laws reflected the European economic theory of mercantilism which sought to keep all the benefits of trade inside their respective Empires, and to minimize the loss of gold and silver, or profits, to foreigners through purchases and trade. The system would develop with the colonies supplying raw materials for British industry, and in exchange for this guaranteed market, the colonies would purchase manufactured goods from or through Britain.

The major impetus for the first Navigation Act was the ruinous deterioration of English trade in the aftermath of the Eighty Years' War, and the associated lifting of the Spanish embargoes on trade between the Spanish Empire and the Dutch Republic.

The end of the embargoes in 1647 unleashed the full power of the Amsterdam Entrepôt and other Dutch competitive advantages in European and world trade. Within a few years, English merchants had practically been overwhelmed in the Baltic and North sea trade, as well as trade with the Iberian Peninsula, the Mediterranean and the Levant.

Even the trade with English colonies (partly still in the hands of the royalists, as the English Civil War was in its final stages and the Commonwealth of England had not yet imposed its authority throughout the English colonies) was "engrossed" by Dutch merchants. English direct trade was crowded out by a sudden influx of commodities from the Levant, Mediterranean and the Spanish and Portuguese empires, and the West Indies via the Dutch Entrepôt, carried in Dutch ships and for Dutch account.

The obvious solution seemed to be to seal off the English markets to these unwanted imports. A precedent was the Act the Greenland Company had obtained from Parliament in 1645 prohibiting the import of whale products into England, except in ships owned by that company. This principle was now generalized. In 1648 the Levant Company petitioned Parliament for the prohibition of imports of Turkish goods "...from Holland and other places but directly from the places of their growth." Baltic traders added their voices to this chorus. In 1650 the Standing Council for Trade and the Council of State of the Commonwealth prepared a general policy designed to impede the flow of Mediterranean and colonial commodities via Holland and Zeeland into England.

Following the 1696 act, the Acts of Trade and Navigation were generally obeyed, except for the Molasses Act 1733, which led to extensive smuggling because no effective means of enforcement was provided until the 1760s. Stricter enforcement under the Sugar Act 1764 became one source of resentment of Great Britain by merchants in the American colonies. This, in turn, helped push the American colonies to rebel in the late 18th century, even though the consensus view among modern economic historians and economists is that the "costs imposed on [American] colonists by the trade restrictions of the Navigation Acts were small."

Historical precedents

Some principles of English mercantile legislation pre-date both the passage of the Navigation Act 1651 and the settlement of England's early foreign possessions. A 1381 Act passed under King Richard II provided "that, to increase the navy of England,

no goods or merchandises shall be either exported or imported, but only in ships belonging to the King's subjects." The letters patent granted to the Cabots by Henry VII in 1498 stipulated that the commerce resulting from their discoveries must be with England (specifically Bristol). Henry VIII established a second principle by statute: that such a vessel must be English-built and a majority of the crew must be English-born. Legislation during the reign of Elizabeth I also dealt with these questions and resulted in a large increase in English merchant shipping. Soon after actual settlements had been made in America, these early requirements illustrate the English theory then held regarding the governmental control of maritime commerce.

With the establishment of overseas colonies a distinct colonial policy began to develop, and the principles embodied in the early Navigation and Trade Acts also had some more immediate precedents in the provisions of the charters granted to the London and Plymouth Company, in the various royal patents later bestowed by Charles I and Charles II, as well as in the early regulations concerning the tobacco trade, the first profitable colonial export. An Order in Council of 24 October 1621 prohibited the Virginia colony to export tobacco and other commodities to foreign countries. The London Company lost its charter in 1624; the same year a proclamation, followed by Orders in Council, prohibited the use of foreign ships for the Virginia tobacco trade. These early companies held the monopoly on trade with their plantation; this meant that the commerce developed was to be England's. The Crown's purpose was to restrict to England the future commerce with America; it is well shown in the patent granted by Charles I to William Berkeley in 1639, by which the patentee was "to oblige the

masters of vessels, freighted with productions of the colony, to give bond before their departure to bring same into England ... and to forbid all trade with foreign vessels, except upon necessity."

As early as 1641 some English merchants urged that these rules be embodied in an act of Parliament, and during the Long Parliament, movement began in that direction. The *Ordinance for Free Trade with the plantations in New England* was passed in November 1644. In 1645, both to conciliate the colonies and to encourage English shipping, the Long Parliament prohibited the shipment of whalebone, except in English-built ships; they later prohibited the importation of French wine, wool, and silk from France. More generally and significantly on 23 January 1647, they passed the *Ordinance granting privileges for the encouragement of Adventurers to plantations in Virginia, Bermudas, Barbados, and other places of America*; it enacted that for three years no export duty be levied on goods intended for the colonies, provided they were forwarded in English vessels. Adam Anderson noted that this law also included "security being given here, and certificates from thence, that the said goods be really exported thither, and for the only use of the said plantations". He concluded: "Hereby the foundation was laid for the navigation acts afterward, which may be justly termed the Commercial Palladium of Britain."

The English were well aware of their inferior competitive trading position. Three acts of the Rump Parliament in 1650 and 1651 are notable in the historical development of England's commercial and colonial programs. These include the first Commission of Trade to be established by an Act of Parliament on 1 August 1650, to advance and regulate the

nation's trade. The instructions to the named commissioners included consideration of both domestic and foreign trade, the trading companies, manufacturers, free ports, customs, excise, statistics, coinage and exchange, and fisheries, but also the plantations and the best means of promoting their welfare and rendering them useful to England. This act's statesmanlike and comprehensive instructions were followed by the October act prohibiting trade with pro-royalist colonies and the first Navigation Act the following October.

These acts formed the first definitive expression of England's commercial policy. They represent the first attempt to establish a legitimate control of commercial and colonial affairs, and the instructions indicate the beginnings of a policy which had the prosperity and wealth of England exclusively at heart.

The 1650 Act prohibiting trade with royalist colonies was broader, however, because it provided that all foreign ships were prohibited from trading with any English plantations, without license, and it was made lawful to seize and make prizes of any ships violating the act. This Act, sometimes referred to as the Navigation Act of 1650, was hastily passed as a war measure during the English Civil Wars, but it was followed by a more carefully conceived Act the following year.

Navigation Act 1651

The Navigation Act 1651, long titled *An Act for increase of Shipping, and Encouragement of the Navigation of this Nation*, was passed on 9 October 1651 by the Rump Parliament led by Oliver Cromwell. It authorized the Commonwealth to regulate England's international trade, as well as the trade with its

colonies. It reinforced long-standing principles of national policy that English trade and fisheries should be carried in English vessels.

The Act banned foreign ships from transporting goods from Asia, Africa or America to England or its colonies; only ships with an English owner, master and a majority English crew would be accepted. It allowed European ships to import their own products, but banned foreign ships from transporting goods to England from a third country elsewhere in the European sphere. The Act also prohibited the import and export of salted fish in foreign ships, and penalized foreign ships carrying fish and wares between English posts. Breaking the terms of the act would result in the forfeiture of the ship and its cargo. These rules specifically targeted the Dutch, who controlled much of Europe's international trade and even much of England's coastal shipping. It excluded the Dutch from essentially all direct trade with England, as the Dutch economy was competitive with, not complementary to the English, and the two countries, therefore, exchanged few commodities. This Anglo-Dutch trade, however, constituted only a small fraction of total Dutch trade flows.

Passage of the act was a reaction to the failure of the English diplomatic mission (led by Oliver St John and Walter Strickland) to The Hague seeking a political union of the Commonwealth with the Republic of the Seven United Netherlands, after the States of Holland had made some cautious overtures to Cromwell to counter the monarchical aspirations of stadtholder William II of Orange. The stadtholder had suddenly died, however, and the States were now embarrassed by Cromwell taking the idea too seriously. The

English proposed the joint conquest of all remaining Spanish and Portuguese possessions. England would take America and the Dutch would take Africa and Asia. But the Dutch had just ended their war with Spain and already taken over most Portuguese colonies in Asia, so they saw little advantage in this grandiose scheme and proposed a free trade agreement as an alternative to a full political union.

This again was unacceptable to the British, who would be unable to compete on such a level playing field, and was seen by them as a deliberate affront. The Act is often mentioned as a major cause of the First Anglo-Dutch War, and though there were others, it was only part of a larger British policy to engage in war after the negotiations had failed. The English naval victories in 1653 (the Battles of Portland, the Gabbard and Scheveningen) showed the supremacy of the Commonwealth navy in home waters. However, farther afield the Dutch predominated and were able to close down English commerce in the Baltic and the Mediterranean. Both countries held each other in a stifling embrace.

The Treaty of Westminster (1654) ended the impasse. The Dutch failed to have the Act repealed or amended, but it seems to have had relatively little influence on their trade. The Act offered England only limited solace. It could not limit the deterioration of England's overseas trading position, except in the cases where England herself was the principal consumer, such as the Canaries wine trade and the trade in Puglian olive oil. In the trade with America and the West Indies, the Dutch kept up a flourishing "smuggling" trade, thanks to the preference of English planters for Dutch import goods and the better deal the Dutch offered in the sugar trade. The Dutch

colony of New Netherlands offered a loophole (through intercolonial trade) wide enough to drive a shipload of Virginian tobacco through.

Post-restoration navigation acts to 1696

Like all laws of the Commonwealth period, the 1651 act was declared void on the Restoration of Charles II, having been passed by 'usurping powers'. Nonetheless with benefits of the act widely recognized, Parliament soon passed new legislation which enlarged its scope.

While the act of 1651 applied only to shipping, or the ocean carrying business, the 1660 act was the most important piece of commercial legislation as it related to shipbuilding, to navigation, to trade, and to the benefit of the merchant class. The 1660 act is generally considered to be the basis of the "Navigation Acts", which (with later amendments, additions and exceptions) remained in force for nearly two centuries. The navigation acts entitled colonial shipping and seamen to enjoy the full benefits of the otherwise exclusively English provisions. "English bottoms" included vessels built in English plantations, particularly in America. There were no restrictions put in the way of English colonists who might wish to build or trade in their own ships to foreign plantations or other European countries besides England, provided they did not violate the enumerated commodity clause. Some of the most important products of colonial America, including grain of all sorts and the fisheries of New England, were always non-enumerated commodities.

Navigation Act 1660

The **Navigation Act 1660** (12 Cha. 2 c. 18), long-titled *An Act for the Encourageing and increasing of Shipping and Navigation*, was passed on 13 September by the Convention Parliament and confirmed by the Cavalier Parliament on 27 July 1661. The act broadened and strengthened restrictions under Cromwell's earlier act. Colonial imports and exports were now restricted to ships "as doe truly and without fraud belong onely to the people of England ... or are of the built of and belonging to" any of the English possessions. Additionally, ships' crews now had to be 75% English, rather than just a majority, and ship captains were required to post a bond to ensure compliance and could recoup the funds upon arrival. The penalty for non-compliance was the forfeiture of both the ship and its cargo. The act provides that violations of the navigation act were to be tried in "any court of record," but it also authorizes and strictly requires all commanders of ships of war to seize non-English ships and deliver them to the Court of Admiralty.

The act specified seven colonial products, known as "enumerated" commodities or items, that were to be shipped from the colonies only to England or another English colonies. These items were tropical or semi-tropical produce that could not be grown in the mother country, but were of higher economic value and used in English competitive manufacturing. The initial products included sugar, tobacco, cotton wool, indigo, ginger, fustic, or other dyeing woods. Previously only tobacco export had been restricted to England. Additional enumerated items would be included in subsequent navigation acts, for example the cocoa bean was added in 1672, after drinking chocolate became the fashion.

In a significant bow to English merchants and to the detriment of numerous foreign colonists, section two of the act declared that "no alien or person not born within the allegiance of our sovereign lord the King, his heirs and successors, or naturalized or made a free denizen, shall... exercise the trade or occupation of a merchant or factor in any of the said places" (i.e. lands, islands, plantations, or territories belonging to the King in Asia, Africa, or America), upon pain of forfeiting all goods and chattels.

Passage of the Navigation Act 1660 act was immediately followed by the Customs Act 1660 (12 Cha. 2 c. 19), which established how the customs duties would be collected by the government, as well as for subsidies (tunnage and poundage) for royal expenses. These acts of revenue, previously established under the Commonwealth, were similarly reauthorized with the restoration. The 1660 customs act was tightened by the Customs Act 1662 (14 Cha. 2 c. 11). It also emphatically defines "Englishmen" under the Navigation Acts: "Whereas it is required by the [Navigation Act 1660] that in sundry cases the Master and three-fourths of the Mariners are to be English, it is to be understood that any of His Majesty's Subjects of England, Ireland, and His Plantations are to be accounted English and no others."

Other acts relating to trade were passed in the same session of Parliament and reiterated previous acts. These include the Exportation Act 1660 (12 Cha. II c. 32), which bans the export of wool and wool-processing materials, and the Tobacco Planting and Sowing Act 1660 (12 Cha. II c. 34), which prohibits growing tobacco in England and Ireland. The former act was intended to encourage domestic woolen manufacturing

by increasing the availability of domestic raw materials; the latter act was passed to limit competition with the colonies and protect the plantations' main crop, as well as to protect this regulated royal revenue stream. With the kingdoms of England and Scotland still separate, passage of the English act led to the passage of a similar navigation act by the Parliament of Scotland. After the Act of Union 1707, Scottish ships, merchants, and mariners enjoyed the same privileges.

Navigation Act 1663

The **Navigation Act 1663** (15 Cha. 2 c.7), long-titled *An Act for the Encouragement of Trade*, also termed the Encouragement of Trade Act 1663 or the Staple Act, was passed on 27 July. This strengthening of the navigation system now required all European goods, bound for America and other colonies, had to be trans-shipped through England first. In England, the goods would be unloaded, inspected, approved, duties paid, and finally, reloaded for the destination. This trade had to be carried in English vessels ("bottoms") or those of its colonies. Furthermore, imports of the 'enumerated' commodities (such as tobacco and cotton) had to be landed and taxes paid before continuing to other countries. "England", as used here, includes Wales and Berwick-upon-Tweed, though those places were little involved in colonial trade. The mercantile purpose of the act was to make England the staple for all European products bound for the colonies, and to prevent the colonies from establishing an independent import trade. This mandated change increased shipping times and costs, which in turn, increased the prices paid by the colonists. Due to these increases, some exemptions were allowed; these included salt intended for the New England and Newfoundland fisheries,

wine from Madeira and the Azores, and provisions, servants and horses from Scotland and Ireland.

The most important new legislation embedded in this Act, as seen from the perspective of the interests behind the East India Company, was the repeal of legislation which prohibited export of coin and bullion from England overseas. This export was the real issue behind the Act, as silver was the main export article by the East India Company into India, exchanging the silver into cheap Indian gold. This change had major implications for the East India Company, for England and for India. The majority of silver in England was exported to India, creating enormous profits for the individual participants, but depriving the Crown of England of necessary silver and taxation. Much of the silver exported was procured by English piracy directed against Spanish and Portuguese merchant ships bringing silver from their colonies in the Americas to Europe. It was later revealed that the Act passed Parliament due to enormous bribes paid by the East Indian Company to various influential members of Parliament.

An act tightening colonial trade legislation, and sometimes referred to as the **Navigation Act 1670**, is the Tobacco Planting and Plantation Trade Act 1670 (22 & 23 Cha. II c. 26). This act imposes forfeiture penalties of the ship and cargo if enumerated commodities are shipped without a bond or customs certificate, or if shipped to countries other than England, or if ships unload sugar or enumerated products in any port except in England. The act requires the governors of American plantations to report annually to customs in London a list of all ships loading any commodities there, as well as a list of all bonds taken. The act states that prosecutions for a

breach of the navigation acts should be tried in the court of the high admiral of England, in any of the vice-admiralty courts, or in any court of record in England, but while the act again hints at the jurisdiction of the admiralty courts, it does not explicitly provide for them. In a move against Ireland, the act additionally repealed the ability of Ireland (in the 1660 act) to obtain the necessary bond for products shipped to overseas colonies.

The specifically anti-Dutch aspects of the early acts were in full force for a relatively short time. During the Second Anglo-Dutch War the English had to abandon the Baltic trade and allowed foreign ships to enter the coasting and plantation trade. Following the war, which ended disastrously for England, the Dutch obtained the right to ship commodities produced in their German hinterland to England as if these were Dutch goods. Even more importantly, as England accepted the concept of neutrality, it conceded the principle of "free ships make free goods" which provided freedom from molestation by the Royal Navy of Dutch shipping on the high seas during wars in which the Dutch Republic was neutral. This more or less gave the Dutch freedom to conduct their "smuggling" unhindered as long as they were not caught red-handed in territorial waters controlled by England. These provisions were reconfirmed in the Treaty of Westminster (1674) after the Third Anglo-Dutch War.

Navigation Act 1673

The so-called **Navigation Act 1673** (25 Cha. 2 c.7), long-titled *An Act for the encouragement of the Greenland and Eastland Trades, and for the better secureing the Plantation Trade*

became enforceable at various dates in that year; the act is short titled the Trade Act 1672. The act was intended to increase English capability and production in the northern whale fishery (more accurately in Spitsbergen), as well as in the eastern Baltic and North Sea trade, where the Dutch and Hansa dominated commerce and trade. The act also closed a significant loophole in the enumerated goods trade as a result of the active inter-colonial trade.

To promote whaling and production of its oil and whalebone etc., the act relaxed the 1660 act's restrictions on foreigners, allowing up to half the crew, if on English ships, and dropped all duties on these products for the next ten years. It also allowed foreign residents and foreigners to participate in this trade if imported to England in English ships. Colonial ships and crews engaged in this trade had to pay a low duty, with foreign ships paying a high duty. To promote the eastern trade then monopolized by the chartered and poorly performing Eastland Company, the act opened their trade with Sweden, Denmark, and Norway to foreigners and English alike. It also allowed any Englishman to be admitted into the Eastland Company on paying a minor fee. The act was a mortal blow to Eastland's royal charter.

To better secure their own plantation trade from considerable illegal indirect trade in enumerated products to Europe, by way of legal inter-colonial trade, the act instituted that customs duties and charges should be paid on departure from the colonies, if traveling without first obtaining the bond required to carry the goods to England. The purpose of the act was to stop the carrying of plantation goods to another plantation with their subsequent shipment to a foreign country on the

grounds that the 1660 act's requirements had been fulfilled. This change was a considerable advance toward the systematic execution of the previous acts, and increased much needed royal revenue given the recent Stop of the Exchequer. To better collect the customs revenue the act established that these were now to be levied and collected by the Commissioners of Customs in England. Also, if a ship arrived with insufficient funds to pay the duties, customs official could accept an equivalent proportion of the goods as payment instead.

Navigation Act 1696

The so-called **Navigation Act 1696** (7 & 8 Will. 3 c. 22), long-titled *An Act for preventing Frauds and regulating Abuses in the Plantation Trade*, became effective over in the next few years, due to its far reaching provisions; the act is short-titled the Plantation Trade Act 1695. It contains new restrictions on colonial trade, and several different administrative provisions to strengthen enforcement and consolidate the earlier acts.

In tightening the wording of the 1660 act, and after noting the daily "great abuses [being] committed ... by the artifice and cunning of ill disposed persons", this act now required that no goods or merchandise could be imported, exported, or carried between English possessions in Africa, Asia and America, or shipped to England, Wales, or Berwick upon Tweed, except in "what is or shall bee of the Built of England or of the Built of Ireland or the said Colonies or Plantations and wholly owned by the People thereof ... and navigated with the Masters and Three-Fourths of the Mariners of the said Places onely". To enforce this change, the act required the registration of all ships and owners, including an oath that they have no foreign

owners, before the ship would be considered English-built. Exceptions were introduced for foreign-built ships taken as prize, or those employed by the navy for importing naval stores from the plantations. The deadline for the registration of ships was extended by the Registering of Ships Act 1697 (9 Will 3 c. 42) In a significant tightening of the navigation enforcement system, section 6 of the act establishes that violations are to be tried *in any of His Majesties Courts att Westminster or [in the Kingdome of Ireland or in the Court of Admiralty held in His Majesties Plantations respectively where such Offence shall bee committed att the Pleasure of the Officer or Informer or in any other Plantation belonging to any Subject of England]... Revenue generated was to be split in thirds between the King, the Governor, and the one who informed and sued.*

Previously, most of the customs collection and enforcement in the colonies was performed by the governor or his appointees, commonly known as the "naval officer," but evasion, corruption and indifference were common. The 1696 act now required all current governors and officers to take an oath that all and every clause contained in the act be "punctually and bona fide observed according to the true intent and meaning". Governors nominated in the future were required to take this oath before assuming office. To tighten compliance among colonial customs officials, the act required that all current and future officers give a security bond to the Commissioners of the Customs in England to undertake the "true and faithfull performance of their duty". Additionally, the act gave colonial customs officers the same power and authority as of customs officers in England; these included the ability to board and search ships and warehouses, load and unload cargoes, and seize those imported or exported goods prohibited or those for which

duties should have been paid under the acts. Commissioners of the treasury and of the customs in England would now appoint the colonial customs officials.

Due to colonial "doubts or misconstructions" concerning the bond required under the 1660 act, the 1696 act now mandated that no enumerated goods could be loaded or shipped until the required bond was obtained. The act was followed by a special instruction about the oaths and proprietary governors who weren't directly under royal control to post a bond to comply; this was considered by the Board of Trade and issued on 26 May 1697.

Since the colonies previously had passed much of their own legislation and appointments, the act included several sections to tighten English control over the colonies generally. The act mandated that all colonial positions of trust in the courts or related to the treasury must be native born subjects of England, Ireland or the colonies. It also enacted that all laws, bylaws, usages or customs in current or future use in the plantations, which are found to be repugnant to the navigation acts in any way, are to be declared illegal, null and void. The act additionally declared that all persons or their heirs claiming any right or property "in any Islands or Tracts of Land upon the Continent of America by Charter or Letters Patent shall not in the future alienate, sell or dispose of any of the Islands, Tracts of Land, or Proprieties other than to the Natural Born Subjects of England, Ireland, Dominion of Wales or Town of Berwick upon Tweed without the License and Consent of His Majesty". Colonial-born subjects were not mentioned. Such a sale must be signified by a prior Order in Council.

With this act the government did start to institute admiralty courts and staff them in more and new places; this established "a more general obedience to the Acts of Trade and Navigation." John Reeves, who wrote the handbook for the Board of Trade, considered the 1696 act to be the last major navigation act, with relatively minor subsequent acts. The system established by this act, and upon previous acts, was where the Navigation Acts still stood in 1792, though there would be major policy changes followed by their reversals in the intervening years.

Navigation Acts 1696–1760

Molasses Act 1733

The 1733 Molasses Act levied heavy duties on the trade of sugar from the French West Indies to the American colonies, forcing the colonists to buy the more expensive sugar from the British West Indies instead. The law was widely flouted, but efforts by the British to prevent smuggling created hostility and contributed to the American Revolution. The Molasses Act was the first of the Sugar Acts. The Act was set to expire in 1763, but in 1764 it was renewed as the Sugar Act, which caused further unrest among the colonists.

Repeal

The Navigation Acts were repealed in 1849 under the influence of a *free trade* philosophy. The Navigation Acts were passed under the economic theory of mercantilism, under which wealth was to be increased by restricting colonial trade to the mother country rather than through free trade. By 1849 "a

central part of British import strategy was to reduce the cost of food through cheap foreign imports and in this way to reduce the cost of maintaining labour power" (van Houten). Repealing the Navigation Acts along with the Corn Laws eventually served this purpose (towards the end of the century).

Effects on Britain

The Acts caused Britain's (before 1707, England's) shipping industry to develop in isolation. However, it had the advantage to British shippers of severely limiting the ability of Dutch ships to participate in the carrying trade to Britain. By reserving British colonial trade to British shipping, the Acts may have significantly assisted in the growth of London as a major entry port for American colonial wares at the expense of Dutch cities.

The maintenance of a certain level of merchant shipping and of trade generally also facilitated a rapid increase in the size and quality of the Royal Navy, which eventually (after the Anglo-Dutch Alliance of 1689 limited the Dutch navy to three-fifths of the size of the English one) led to Britain becoming a global superpower, which it remained until the mid-20th century.

That naval might, however, never limited Dutch trading power – because the Dutch enjoyed enough leverage over overseas markets and shipping resources (combined with a financial power that was only overtaken by Britain during the 18th century) to enable them to put enough pressure on Britain to prevent them from sustaining naval campaigns long enough to wrest maritime concessions from the Dutch.

Effects on American colonies

The Navigation Acts, while enriching Britain, caused resentment in the colonies and contributed to the American Revolution. The Navigation Acts required all of a colony's imports to be either bought from Britain or resold by British merchants in Britain, regardless of the price obtainable elsewhere.

Historian Robert Thomas (1965) argues that the impact of the Acts on the economies of the Thirteen Colonies was minimal; the cost was about £4 per £1,000 of income per year. The average personal income was about £100 per year. However, Ransom (1968) says that although the net burden imposed by the Acts was small in size, their overall impact on the shape and growth rate of the economy was significant since the Acts differentially affected different groups, helping some and hurting others.

Walton concludes that the political friction caused by the Acts was more serious than the negative economic impact, especially since the merchants most affected were politically the most active. The Navigation Acts were also partially responsible for an increase in piracy during the late 17th and early 18th centuries: merchants and colonial officials would buy goods captured by pirates below market value, and colonial Governors such as New York's Fletcher would commission privateers who openly admitted they intended to turn pirate.

Sawers (1992) points out that the political issue is what would have been the future impact of the Acts after 1776 as the

colonial economy matured and was blocked by the Acts from serious competition with British manufacturers. In 1995, a random survey of 178 members of the Economic History Association found that 89 percent of economists and historians would generally agree that the "costs imposed on [American] colonists by the trade restrictions of the Navigation Acts were small."

Effect on Ireland

The acts were resented in Ireland and damaged its economy, as they permitted the importation of English goods into Ireland tariff-free and simultaneously imposed tariffs on Irish exports travelling in the opposite direction. Other clauses completely prohibited the exportation of certain goods to Britain or even elsewhere, resulting in the collapse of those markets. The Wool Act 1699, for example, forbade any exports of wool from Ireland (and from the American Colonies) so as to maximise the English trade.

"Free trade or a Speedy Revolution" was a slogan of the Irish Volunteers in the late 18th century.

Chapter 15

Iron, Molasses Act and Royal Proclamation of 1763

Iron Act

In American Colonial history, the Iron Act, short-titled the Importation, etc. Act 1750, (Statute 23 Geo. II c. 29) was one of the legislative measures introduced by the British Parliament, within its system of Trade and Navigation Acts. The Act sought to increase the importation of pig and bar iron from its American colonies and to prevent the building of iron-related production facilities within these colonies, particularly in North America where these raw materials were identified. The dual purpose of the act was to increase manufacturing capacity within Great Britain itself, and to limit potential competition from the colonies possessing the raw materials.

The provisions of the Act

The Act contained several provisions, applying from 24 June 1750:

- Duty on the import of pig iron from America should cease.
- Duty on bar iron imported to London should cease.
- Such bar iron might be carried coastwise or by land from there to Royal Navy dockyards, but otherwise not beyond 10 miles from London.

- The iron must be marked with its place of origin (most, if not all, pig iron was already marked).
- No mill or engine for slitting or rolling iron or any plating forge to work with a tilt hammer or any furnace for making steel should be erected in America.
- Colonial governors were required to certify what mills of these types already existed.

Its later amendments and repeal

The limitation of imported bar iron to London and the dockyards was partly repealed in 1757 by 30 Geo. II c.16, duty-free imports to any part of Great Britain being permitted. A clause requiring bar iron to be marked was similarly repealed as unnecessary. A part of the act was also repealed by the American dominions (Trade with) Act 1765, (5 Geo. III c.45). The whole Act was repealed by the Statute Law Revision Act 1867, due to the replacement of colonial rule with the Dominion of Canada.

Implications

Pig iron had been exported from Virginia and Maryland since the 1720s, but little came from other colonies, nor did bar iron. The continuance of this was encouraged, as was the production and export of bar iron (which required a finery forge using a helve hammer not a trip hammer).

Conversely, the Act was designed to restrict the colonial manufacture of finished iron products and steel. Existing

works could continue in operation, but no expansion would be possible in the output of:

- knives, scythes, sickles and other edged tools as a tilt hammer would be needed to produce thin iron, and a steel furnace to make steel.
- nails which were made from rod iron, from a slitting mill.
- Tinsplate, which required a rolling mill. This was the raw material from which tinsmiths made a wide variety of goods from tinned sheet iron.

This was a continuation of a long term British policy, beginning with the British Navigation Acts, which were designed to direct most American trade to England (from 1707, Great Britain), and to encourage the manufacture of goods for export to the colonies in Britain.

The Iron Act, if enforced, would have severely limited the emerging iron manufacturing industry in the colonies. However, as with other trade legislation, enforcement was poor because no one had any significant incentive to ensure compliance. Nevertheless, this was one of a number of measures restrictive on the trade of British Colonies in North America that were one of the causes of the American Revolution.

Part of the reason for lax enforcement may be due to the involvement of Colonial Officials in iron works. Virginia Governors Gooch and Spotswood were both deeply involved in iron manufacture. Gooch was a part owner of the Fredericksville Ironworks. Spotswood owned Tubal Ironworks (a blast furnace and probably finery forge) and the double air

furnace at Massaponnax. Other prominent members of the Virginia aristocracy and House of Burgesses involved in the iron industry included John Tayloe II (Bristol Iron Works, near Fredericksburg; Neabsco Iron Works; and Occoquan Ironworks), Augustine Washington, George's father (Accocek/Potomac Ironworks), and Benjamin Grimes (Grimes Recovery and a bloomery near Fredericksburg).

Molasses Act

The **Molasses Act of 1733** was an Act of the Parliament of Great Britain (citation 6 Geo II. c. 13), which imposed a tax of six pence per gallon on imports of molasses from non-British colonies. Parliament created the act largely at the insistence of large plantation owners in the British West Indies. The Act was not passed for the purpose of raising revenue, but rather to regulate trade by making British products cheaper than those from the French West Indies. The Molasses Act greatly affected the significant colonial molasses trade.

The Molasses Act 1733 provided:

... there shall be raised, levied, collected and paid, unto and for the use of his Majesty ..., upon all rum or spirits of the produce or manufacture of any of the colonies or plantations in America, not in the possession or under the dominion of his Majesty ..., which at any time or times within or during the continuance of this act, shall be imported or brought into any of the colonies or plantations in America, which now are or hereafter may be in the possession or under the dominion of his Majesty ..., the sum of nine pence, money of Great Britain, ... for every gallon thereof, and after that rate for any greater

or lesser quantity: and upon all molasses or syrups of such foreign produce or manufacture as aforesaid, which shall be imported or brought into any of the said colonies or plantations ..., the sum of six pence of like money for every gallon thereof ... ; and upon all sugars and paneles of such foreign growth, produce or manufacture as aforesaid, which shall be imported into any of the said colonies or plantations ... a duty after the rate of five shillings of like money, for every hundred weight Avoirdupois. ...

Historian Theodore Draper described British intent on the tax as it would affect the American colonies:

Bladen [Col. Main Bladen who was a longtime member of the British Board of Trade] had conceived of the strategy of inflicting a prohibitive duty on imports from the French West Indies instead of simply disabling them. When he was confronted with the argument that the proposed bill would result in the ruin of the North American colonies, he replied, "that the duties proposed would not prove an absolute prohibition, but he owned that he meant them as something that should come very near it, for in the way the northern colonies are, they raise the French Islands at the expense of ours, and raise themselves also [to]o high, even to an independency."

A large colonial molasses trade had grown between the New England and Middle colonies and the French, Dutch, and Spanish West Indian possessions. Molasses from the British West Indies, used in New England for making rum, was priced much higher than its competitors and they also had no need for the large quantities of lumber, fish, and other items offered

by the colonies in exchange. The British West Indies in the first part of the 18th Century were the most important trading partner for Great Britain so Parliament was attentive to their requests. However, rather than acceding to the demands to prohibit the colonies from trading with the non-British islands, Parliament passed the prohibitively high tax on the colonies for the import of molasses from these islands. Historian John C. Miller noted that the tax:

... threatened New England with ruin, struck a blow at the economic foundations of the Middle colonies, and at the same time opened the way for the British West Indians—whom the continental colonists regarded as their worst enemies—to wax rich at the expense of their fellow subjects on the mainland.
— *John C. Miller,*

Largely opposed by colonists, the tax was rarely paid, and smuggling to avoid it was prominent. If actually collected, the tax would have effectively closed that source to New England and destroyed much of the rum industry. Yet smuggling, bribery or intimidation of customs officials effectively nullified the law. Miller wrote:

Against the Molasses Act, Americans had only their smugglers to depend upon—but these redoubtable gentry proved more than a match for the British. After a brief effort to enforce the act in Massachusetts in the 1740s, the English government tacitly accepted defeat and foreign molasses was smuggled into the Northern colonies in an ever-increasing quantity. Thus the New England

merchants survived—but only by nullifying an act of Parliament.

— *John C. Miller,*

The growing corruption of local officials and disrespect for British Law caused by this act and others like it such as the Stamp Act or Townshend Acts eventually led to the American Revolution in 1776. This Act was replaced by the Sugar Act 1764. This Act halved the tax rate, but was accompanied by British intent to actually collect the tax this time.

Royal Proclamation of 1763

The **Royal Proclamation of 1763** was issued by King George III on 7 October 1763. It followed the Treaty of Paris (1763), which formally ended the Seven Years' War and transferred French territory in North America to Great Britain. The Proclamation forbade all settlements west of a line drawn along the Appalachian Mountains, which was delineated as an Indian Reserve. Exclusion from the vast region of Trans-Appalachia created discontent between Britain and colonial land speculators and potential settlers.

The proclamation and access to western lands was one of the first significant areas of dispute between Britain and the colonies and would become a contributing factor leading to the American Revolution. The 1763 proclamation line is similar to the Eastern Continental Divide's path running northwards from Georgia to the Pennsylvania–New York border and north-eastwards past the drainage divide on the St. Lawrence Divide from there northwards through New England.

The Royal Proclamation continues to be of legal importance to First Nations in Canada, being the first legal recognition of aboriginal title, rights and freedoms, and is recognized in the Canadian Constitution of 1982.

Background: Treaty of Paris

The French and Indian War and its European theater, the Seven Years' War, ended with the 1763 Treaty of Paris. Under the treaty, all French colonial territory west of the Mississippi River was ceded to Spain, while all French colonial territory east of the Mississippi River and south of Rupert's Land (save Saint Pierre and Miquelon, which France kept) was ceded to Great Britain. Both Spain and Britain received some French islands in the Caribbean, while France kept Haiti and Guadeloupe.

Provisions

New colonies

The Proclamation of 1763 dealt with the management of former French territories in North America that Britain acquired following its victory over France in the French and Indian War, as well as regulating colonial settlers' expansion. It established new governments for several areas: the province of Quebec, the new colonies of West Florida and East Florida, and a group of Caribbean islands, Grenada, Tobago, Saint Vincent, and Dominica, collectively referred to as the British Ceded Islands.

Proclamation line

At the outset, the Royal Proclamation of 1763 defined the jurisdictional limits of the British territories of North America, limiting British colonial expansion on the continent. What remained of the Royal Province of New France east of the Great Lakes and the Ottawa River, and south of Rupert's Land, was reorganised under the name "Quebec." The territory northeast of the St. John River on the Labrador coast was reassigned to the Newfoundland Colony.

The lands west of Quebec and west of a line running along the crest of the Allegheny Mountains became (British) Indian Territory, barred to settlement from colonies east of the line.

The proclamation line was not intended to be a permanent boundary between the colonists and Native American lands, but rather a temporary boundary that could be extended further west in an orderly, lawful manner. It was also not designed as an uncrossable boundary; people could cross the line, but not settle past it. Its contour was defined by the headwaters that formed the watershed along the Appalachians. All land with rivers that flowed into the Atlantic was designated for the colonial entities, while all the land with rivers that flowed into the Mississippi was reserved for the Native American populations.

The proclamation outlawed the private purchase of Native American land, which had often created problems in the past. Instead, all future land purchases were to be made by Crown officials "at some public Meeting or Assembly of the said Indians". British colonials were forbidden to settle on native

lands, and colonial officials were forbidden to grant ground or lands without royal approval. Organized land companies asked for land grants, but were denied by King George III.

British colonists and land speculators objected to the proclamation boundary since the British government had already assigned land grants to them. Including the wealthy owners of the Ohio company who protested the line to the governor of Virginia, as they had plans for settling the land to grow business. Many settlements already existed beyond the proclamation line, some of which had been temporarily evacuated during Pontiac's War, and there were many already granted land claims yet to be settled. For example, George Washington and his Virginia soldiers had been granted lands past the boundary. Prominent American colonials joined with the land speculators in Britain to lobby the government to move the line further west.

The colonists' demands were met and the boundary line was adjusted in a series of treaties with the Native Americans. The first two of these treaties were completed in 1768; the Treaty of Fort Stanwix adjusted the border with the Iroquois Confederacy in the Ohio Country and the Treaty of Hard Labour adjusted the border with the Cherokee in the Carolinas. The Treaty of Hard Labour was followed by the Treaty of Lochaber in 1770, adjusting the border between Virginia and the Cherokee. These agreements opened much of what is now Kentucky and West Virginia to British settlement. The land granted by the Virginian and North Carolinian government heavily favored the land companies, seeing as they had more wealthy backers than the poorer settlers who wanted to settle west to hopefully gain a fortune.

Response

Many colonists disregarded the proclamation line and settled west, which created tension between them and the Native Americans. Pontiac's Rebellion (1763–1766) was a war involving Native American tribes, primarily from the Great Lakes region, the Illinois Country, and Ohio Country who were dissatisfied with British postwar policies in the Great Lakes region after the end of the Seven Years' War.

They were able to take over a large number of the forts which commanded the waterways involved in trade within the region and export to Great Britain. The Proclamation of 1763 had been in the works before Pontiac's Rebellion, but the outbreak of the conflict hastened the process.

Legacy

Indigenous peoples

The Royal Proclamation continued to govern the cession of Indigenous land in British North America, especially Upper Canada and Rupert's Land. Upper Canada created a platform for treaty making based on the Royal Proclamation. After loyalists moved into land after Britain's defeat in the American Revolution, the first impetus was created out of necessity.

According to historian Colin Calloway, "scholars disagree on whether the proclamation recognized or undermined tribal sovereignty".

Some see the Royal Proclamation of 1763 as a "fundamental document" for First Nations land claims and self-government. It is "the first legal recognition by the British Crown of Aboriginal rights" and imposes a fiduciary duty of care on the Crown.

The intent and promises made to the native in the Proclamation have been argued to be of a temporary nature, only meant to appease the Native peoples who were becoming increasingly resentful of "settler encroachments on their lands" and were capable of becoming a serious threat to British colonial settlement. Advice given by a Sir William Johnson, superintendent of Indian Affairs in North America, to the Board of Trade on August 30, 1764, expressed that:

The Indians all know we cannot be a Match for them in the midst of an extensive woody Country ... from whence I infer that if we are determined to possess Our Posts, Trade & ca securely, it cannot be done for a Century by any other means than that of purchasing the favour of the numerous Indian inhabitants.

Anishinaabe jurist John Borrows has written that "the Proclamation illustrates the British government's attempt to exercise sovereignty over First Nations while simultaneously trying to convince First Nations that they would remain separate from European settlers and have their jurisdiction preserved." Borrows further writes that the Royal Proclamation along with the subsequent Treaty of Niagara, provide for an argument that "discredits the claims of the Crown to exercise sovereignty over First Nations" and affirms Aboriginal "powers of self-determination in, among other things, allocating lands".

250th anniversary celebrations

In October 2013, the 250th anniversary of the Royal Proclamation was celebrated in Ottawa with a meeting of Indigenous leaders and Governor-General David Johnston. The Aboriginal movement Idle No More held birthday parties for this monumental document at various locations across Canada.

United States

The influence of the Royal Proclamation of 1763 on the coming of the American Revolution has been variously interpreted. Many historians argue that the proclamation ceased to be a major source of tension after 1768 since the aforementioned later treaties opened up extensive lands for settlement. Others have argued that colonial resentment of the proclamation contributed to the growing divide between the colonies and the mother country. Some historians argue that even though the boundary was pushed west in subsequent treaties, the British government refused to permit new colonial settlements for fear of instigating a war with Native Americans, which angered colonial land speculators. Others argue that the Royal Proclamation imposed a fiduciary duty of care on the Crown.

George Washington was given 20,000 acres (81 km) of wild land in the Ohio region for his services in the French and Indian War. In 1770, Washington took the lead in securing the rights of him and his old soldiers in the French War, advancing money to pay expenses on behalf of the common cause and using his influence in the proper quarters. In August 1770, it

was decided that Washington should personally make a trip to the western region, where he located tracts for himself and military comrades and eventually was granted letters patent for tracts of land there. The lands involved were open to Virginians under terms of the Treaty of Lochaber of 1770, except for the lands located two miles (3.2 km) south of Fort Pitt, now known as Pittsburgh.

In the United States, the Royal Proclamation of 1763 ended with the American Revolutionary War because Great Britain ceded the land in question to the United States in the Treaty of Paris (1783). Afterward, the U.S. government also faced difficulties in preventing frontier violence and eventually adopted policies similar to those of the Royal Proclamation. The first in a series of Indian Intercourse Acts was passed in 1790, prohibiting unregulated trade and travel in Native American lands. In 1823, the U.S. Supreme Court case *Johnson v. M'Intosh* established that only the U.S. government, and not private individuals, could purchase land from Native Americans.

Chapter 16

Sugar, Currency, Quartering and Stamp Act 1765

Sugar Act

The **Sugar Act 1764**, also known as the **American Revenue Act 1764** or the **American Duties Act**, was a revenue-raising act passed by the Parliament of Great Britain on 5 April 1764. The preamble to the act stated: "it is expedient that new provisions and regulations should be established for improving the revenue of this Kingdom ... and ... it is just and necessary that a revenue should be raised ... for defraying the expenses of defending, protecting, and securing the same." The earlier Molasses Act 1733, which had imposed a tax of six pence per gallon of molasses, had never been effectively collected due to colonial evasion. By reducing the rate by half and increasing measures to enforce the tax, the British hoped that the tax would actually be collected. These incidents increased the colonists' concerns about the intent of the British Parliament and helped the growing movement that became the American Revolution.

Background

The Molasses Act 1733 was passed by Parliament largely at the insistence of large plantation owners in the British West Indies. Molasses from French, Dutch, and Spanish West Indian

possessions was inexpensive. Sugar (from the British West Indies) was priced much higher than its competitors and they also had no need for the large quantities of lumber, fish, and other items offered by the colonies in exchange. Sometimes colonists would pay Molasses Act taxes because they were rather low depending on where they resided and how much money they had. In the first part of the 18th century, the British West Indies were Great Britain's most important trading partner, so Parliament was attentive to their requests. However, rather than acceding to the demands to prohibit the colonies from trading with the non-British islands, Parliament passed the prohibitively high tax on the colonies on molasses imported from those islands. If actually collected, the tax would have effectively closed that source to New England and destroyed much of the rum industry. Instead, smuggling, bribery or intimidation of customs officials effectively nullified the law.

During the Seven Years' War, known in Colonial America as the French and Indian War, the British government substantially increased the national debt to pay for the war. In February 1763, as the war ended, the ministry headed by John Stuart, the Earl of Bute, decided to maintain a standing army of ten thousand British regular troops in the colonies. Shortly thereafter, George Grenville replaced Bute. Grenville supported his predecessor's policy, even more so after the outbreak of Pontiac's War in May 1763. Grenville faced the problem of not only paying for these troops but servicing the national debt. The debt grew from £75,000,000 before the war to £122,600,000 in January 1763, and almost £130,000,000 by the beginning of 1764.

George Grenville did not expect the colonies to contribute to the interest or the retirement of the debt, but he did expect the Americans to pay a portion of the expenses for colonial defense. Estimating the expenses of maintaining an army in the Continental colonies and the West Indies to be approximately £200,000 annually, Grenville devised a revenue-raising program that would raise an estimated £79,000 per year.

Passage

The Molasses Act was set to expire in 1763. The Commissioners of Customs anticipated greater demand for both molasses and rum as a result of the end of the war and the acquisition of Canada. They believed that the increased demand would make a sharply reduced rate both affordable and collectible. When passed by Parliament, the new Sugar Act of 1764 halved the previous tax on molasses. In addition to promising stricter enforcement, the language of the bill made it clear that the purpose of the legislation was not to simply regulate the trade (as the Molasses Act had attempted to do by effectively closing the legal trade to non-British suppliers) but to raise revenue.

The new act listed specific goods, the most important being lumber, which could only be exported to Britain. Ship captains were required to maintain detailed manifests of their cargo and the papers were subject to verification before anything could be unloaded from the ships. Customs officials were empowered to have all violations tried in vice admiralty courts rather than by jury trials in local colonial courts, where the juries generally looked favorably on smuggling as a profession.

American historian Fred Anderson wrote that the purpose of the Act was "to resolve the problems of finance and control that plagued the postwar empire". To do this "three kinds of measures" were implemented – "those intended to make customs enforcement more effective, those that placed new duties on items widely consumed in America, and those that adjusted old rates in such a way as to maximize revenues."

Effect on the American colonies

The Sugar Act was passed by Parliament on 5 April 1764, and it arrived in the colonies at a time of economic depression. It was an indirect tax, although the colonists were well informed of its presence.

A good part of the reason was that a significant portion of the colonial economy during the Seven Years' War was involved with supplying food and supplies to the British Army. Colonials, however, especially those affected directly as merchants and shippers, assumed that the highly visible new tax program was the major culprit. As protests against the Sugar Act developed, it was the economic impact rather than the constitutional issue of taxation without representation that was the main focus for the colonists.

New England ports especially suffered economic losses from the Sugar Act as the stricter enforcement made smuggling molasses more dangerous and risky. Also they argued that the profit margin on rum was too small to support any tax on molasses. Forced to increase their prices, many colonists feared being priced out of the market. The British West Indies, on the other hand, now had undivided access to colonial

exports. With supply of molasses well exceeding demand, the islands prospered with their reduced expenses while New England ports saw revenue from their rum exports decrease. Also the West Indies had been the primary colonial source for hard currency, or specie, and as the reserves of specie were depleted the soundness of colonial currency was threatened.

Two prime movers behind the protests against the Sugar Act were Samuel Adams and James Otis, both of Massachusetts. In May 1764 Samuel Adams drafted a report on the Sugar Act for the Massachusetts assembly, in which he denounced the act as an infringement of the rights of the colonists as British subjects:

For if our Trade may be taxed why not our Lands? Why not the Produce of our Lands & every thing we possess or make use of? This we apprehend annihilates our Charter Right to govern & tax ourselves – It strikes our British Privileges, which as we have never forfeited them, we hold in common with our Fellow Subjects who are Natives of Britain: If Taxes are laid upon us in any shape without our having a legal Representation where they are laid, are we not reduced from the Character of free Subjects to the miserable State of tributary Slaves?

In August 1764, fifty Boston merchants agreed to stop purchasing British luxury imports, and in both Boston and New York City there were movements to increase colonial manufacturing. There were sporadic outbreaks of violence, most notably in Rhode Island. Overall, however, there was not an immediate high level of protest over the Sugar Act in either New England or the rest of the colonies. That would begin in the later part of the next year when the Stamp Act 1765 was

passed. The Sugar Act 1764 was repealed in 1766 and replaced with the Revenue Act 1766, which reduced the tax to one penny per gallon on molasses imports, British or foreign. This occurred around the same time that the Stamp Act 1765 was repealed.

Currency Act

The Currency Act or Paper Bills of Credit Act is one of many several Acts of the Parliament of Great Britain that regulated paper money issued by the colonies of British America. The Acts sought to protect British merchants and creditors from being paid in depreciated colonial currency. The policy created tension between the colonies and Great Britain and was cited as a grievance by colonists early in the American Revolution. However, the consensus view among modern economic historians and economists is that the debts by colonists to **British** merchants were not a major cause of the Revolution. In 1995, a random survey of 178 members of the Economic History Association found that 92% of economists and 74% of historians disagreed with the statement, "The debts owed by colonists to British merchants and other private citizens constituted one of the most powerful causes leading to the Revolution."

Economic climate of the colonies

From their origin, the colonies struggled with the development of an effective medium of exchange for goods and services. After depleting the vast majority of their monetary resources through imports, the first settlers strained to keep money in

circulation. They could not find a suitable medium of exchange in which the value did not depreciate. The colonists generally employed three main types of currency. The first was commodity money, using the staple of a given region as a means of exchange. The second was specie, or gold or silver money. Lastly, paper money (or fiat money), issued in the form of a bill of exchange or a banknote, mortgaged on the value of the land that an individual owned.

Each year, the supply of specie in the colonies decreased due to international factors. The dearth of specie rendered it ineffective as a means of exchange for day-to-day purchases. Colonists frequently adopted a barter system to acquire the goods and services they required. Essentially, this method proved to be ineffective and a commodity system was adopted in its place. Tobacco was used as a monetary substitute in Virginia as early as 1619. A major shortcoming of this system was that the quality of the substitutes was inconsistent. The poorer qualities ended up in circulation while the finer qualities were inevitably exported. This commodity system became increasingly ineffective as colonial debts increased.

In 1690, Massachusetts became the first colony to issue paper currency. This currency was employed as a means to finance its share of the debt from King William's War. Other colonies quickly followed suit, and by 1715 ten of the thirteen had resorted to the issuance of paper currency. Economist Stanley Finkelstein highlights the advantage of paper currency, "that unless it is backed by specie it is cost-free currency". The paper currency depreciated quickly because the colonies printed more than what was taxed out of circulation. By 1740, Rhode Island bills of exchange were only four percent of face

value and those of Massachusetts was eleven percent. The money supply was growing at a much faster rate than that of the overall colonial economy, which led to hyperinflation and the corresponding reduction in purchasing power per unit of money. British merchants were forced to accept this depreciated currency as a repayment of debts. This led to the Currency Act of 1751.

Act of 1751

The first Act, the **Currency Act 1751** (24 Geo. II c. 53), restricted the issue of paper money and the establishment of new public banks by the colonies of New England. These colonies had issued paper fiat money known as "bills of credit" to help pay for military expenses during the French and Indian Wars. Because more paper money was issued than what was taxed out of circulation, the currency depreciated in relation to the British pound sterling. The resultant inflation was harmful to merchants in Great Britain, who were forced to accept the depreciated currency from colonists for payment of debts.

The Act limited the future issue of bills of credit to certain circumstances. It allowed the existing bills to be used as legal tender for public debts (i.e. paying taxes), but did not allow their use for private debts (e.g. for paying merchants).

Act of 1764

The **Currency Act 1764** (4 Geo. III c. 34) extended the 1751 Act to all of the British colonies of North America. Unlike the earlier Act, this statute did not prohibit the colonies from

issuing paper money, but it did forbid them from designating future currency issues as legal tender for public and private debts. This tight money policy created financial difficulties in the colonies, where gold and silver were in short supply. Benjamin Franklin, a colonial agent in London, lobbied for repeal of the Act over the next several years, as did other agents. The act arose when Virginia farmers continued to import during the French and Indian War. Virginia issued £250,000 in bills of credit to finance both public and private debts.

This legislation differed from the 1751 act in that it prohibited the colonists from designating paper currency for use as payment for any debts, public or private. Parliament did not, however, prohibit the colonists from issuing paper money. The Act was put into place as a hedge against risks associated with economic fluctuations and uncertainty.

The colonial government of the Province of New York insisted that the Currency Act prevented it from providing funds for British troops in compliance with the Quartering Act. As a result, in 1770, Parliament gave permission (10 Geo. III c. 35) for New York to issue £120,000 in paper currency for public but not private debts. Parliament extended these concessions to the other colonies in 1773 (13 Geo. III c. 57) by amending the Currency Act 1764, permitting the colonies to issue paper currency as legal tender for public debts. According to historian Jack Sosin, the British government had made its point:

After nine years, the colonial agents had secured a paper currency for the provinces. But the Americans had tacitly, if

not implicitly, acknowledged the authority of Parliament. And in the final analysis this was all the imperial government wanted.

Legacy

Currency Acts created tension between the colonies and the mother country, and were a contributing factor in the coming of the American Revolution. In all of the colonies except Delaware, the Acts were considered to be a "major grievance". When the First Continental Congress met in 1774, it issued a Declaration of Rights, which outlined colonial objections to certain Acts of Parliament. Congress called on Parliament to repeal the Currency Act of 1764, one of seven Acts labeled "subversive of American rights".

However, according to historians Jack Greene and Richard Jellison, the currency debate was no longer really a "live issue" in 1774, due to the 1773 amendment of the Act. The controversy's most important impact was psychological, in that it helped convince many colonists that Parliament did not understand or care about their problems. Colonial leaders came to believe that they, rather than Parliament, were better suited to legislate for the colonies.

Quartering Acts

The **Quartering Acts** were two or more Acts of British Parliament requiring local governments of the American colonies to provide the British soldiers with housing and food. Each of the **Quartering Acts** was an amendment to the Mutiny

Act and required annual renewal by Parliament. They were originally intended as a response to issues that arose during the French and Indian War and soon became a source of tensions between the inhabitants of the Thirteen Colonies and the government in London. These tensions would later lead toward the American Revolution.

Quartering Act 1765

General Thomas Gage, commander-in-chief of forces in British North America, and other British officers who had fought in the French and Indian War (including Major James Robertson), had found it hard to persuade colonial assemblies to pay for quartering and provisioning of troops on the march. Therefore, he asked Parliament to do something. Most colonies had supplied provisions during the war, but the issue was disputed in peacetime. The Province of New York was their headquarters, because the assembly had passed an Act to provide for the quartering of British regulars, but it expired on January 2, 1764. The result was the Quartering Act 1765, which went far beyond what Gage had requested. No standing army had been kept in the colonies before the French and Indian War, so the colonies asked why a standing army was needed after the French had been defeated in battle.

This first Quartering Act was given Royal Assent on May 15, 1765, and provided that Great Britain would house its soldiers in American barracks and public houses, as by the Mutiny Act 1765, but if its soldiers outnumbered the housing available, would quarter them in *"inns, livery stables, ale houses, victualing houses, and the houses of sellers of wine and houses of persons selling of rum, brandy, strong water, cider or*

metheglin", and if numbers required in "*uninhabited houses, outhouses, barns, or other buildings.*" Colonial authorities were required to pay the cost of housing and feeding these soldiers.

When 1,500 British troops arrived at New York City in 1766 the New York Provincial Assembly refused to comply with the Quartering Act and did not supply billeting for the troops. The troops had to remain on their ships. With its great impact on the city, a skirmish occurred in which one colonist was wounded following the Assembly's refusal to provide quartering. For failure to comply with the Quartering Act, Parliament suspended the Province of New York's Governor and legislature in 1767 and 1769, but never carried it out, since the Assembly soon agreed to contribute money toward the quartering of troops; the New York Assembly allocated funds for the quartering of British troops in 1771. The Quartering Act was circumvented in all colonies other than Pennsylvania.

This act expired on March 24, 1776.

Quartering Act 1774

The Quartering Act 1774 was known as one of the Coercive Acts in Great Britain, and as part of the intolerable acts in the colonies. The Quartering Act applied to all of the colonies, and sought to create a more effective method of housing British troops in America. In a previous act, the colonies had been required to provide housing for soldiers, but colonial legislatures had been uncooperative in doing so. The new Quartering Act allowed a governor to house soldiers in other buildings if suitable quarters were not provided. While many sources claim that the Quartering Act allowed troops to be

billeted in occupied private homes, historian David Ammerman's 1974 study claimed that this is a myth, and that the act only permitted troops to be quartered in unoccupied buildings.

Quartering in time of war

During the French and Indian War Britain had forcibly seized quarters in private dwellings. In the American Revolutionary War, the New York Provincial Congress barracked Continental Army troops in private homes. The Americans strongly opposed the quartering of British troops in their homes because the British Parliament had created the Mutiny Act under which the British army was supposed to be prohibited against quartering troops in private homes of citizens against their will. Although Parliament passed these laws in 1723, 1754, and 1756 the British Army ignored them in the Colonies. Because of this violation of their rights the colonies believed that liberty itself would be destroyed. Along with the fear of a loss of liberty, the colonists felt that the British army should be subordinate to civil authority since Parliament already stated that the army couldn't force quartering through the Mutiny Act.

With the growing worries of illegal quartering by the British, the Pennsylvania Assembly met and denied any quartering bill that guaranteed citizens could deny soldiers to stay in private homes. When the Assembly finally passed the quartering bill, the passage stating how soldiers could or could not be quartered in homes was omitted and it only outlined how the soldiers were to be quartered in public houses. That winter's harsh conditions led the British commander, Col. Henry Bouquet, to order the colonists to quarter his troops in other

places than just private homes. Bouquet felt his troops couldn't survive the winter without better living conditions. Bouquet wrote a letter to the governor of Pennsylvania telling him to issue a warrant to allow the quartering of his troops in private homes. The governor issued the warrant but left it blank instead of directly listing what Col. Bouquet could or could not do. The Pennsylvania Assembly was outraged when they learned what their governor had done. But instead of asking for a veto on the warrant they asked for a review on how many troops could be quartered in a single home at a time. But the only response they received was that the king's troops must and will be quartered. In response to this the Assembly met on a Sunday for the first time. There they wrote a letter to the governor asking why their constitutional rights were being violated when The British Parliament laws favored the colonists.

In response to what was happening to the colonists, Benjamin Franklin opened up an Assembly meeting suggesting that soldiers could be quartered in public houses in the suburbs. This meant instead of the troops be directly in the city they would be in houses on the outskirts of the city on farms where they could potentially have more space. Governor Denny attended this Pennsylvania meeting and bluntly answered that the commander in chief, Lord Loudoun, had requested quartering for the troops in Philadelphia and if anybody had a problem with this then they should talk to him. The committeemen brought to light that they felt Denny was siding with the British military when instead as governor he should work to protect the rights of the colonists. The ongoing quarrel between State Assembly, governor, and Lord Loudoun wasn't a dispute between legislature and executive powers; but a

contest for political liberty. The colonists had the same rights through British Parliament laws but they were not granted to them and instead threatened by bayonets for personal gain.

In Albany, New York the mayor had allocated \$1,000 for the building of barracks for Loudoun's troops, but the barracks had not been built by the time the troops arrived. The mayor told Loudoun that he knew his rights and refused to let the troops be quartered in Albany. When the mayor stayed adamant on his beliefs of not allowing the troops to be quartered, Loudoun had them forcefully apply themselves in private homes.

In an early August committee meeting in Boston, Massachusetts, the governor was able to get the committee to pass a bill to grant money for the building of barracks. These barracks would accommodate up to one thousand troops. The barracks were built and all that had to be done was convince Loudoun to obey the procedures set by parliament. Everything went smoothly until two recruiting officers complained to governor Pownall of Massachusetts that they were denied quarters in Boston.

The response was that it was illegal to quarter in private homes in Boston and the committeemen suggested that they stay at the newly built barracks at Castle William. The timing of this new meeting with Lord Loudoun was extremely unfortunate. He was currently suffering losses in northern New York while trying to hold off the French and Indians. When he heard of what happened with the committeemen he argued that the current military crisis made it acceptable to quarter troops in private homes. A bill was then brought to the governor to

sign that said troops could be quartered in homes but innkeepers had the right to complain to a judge if they felt too many soldiers were there. Loudoun was enraged with this and threatened to force troops upon civilians again. By the end of December, the Massachusetts legislature was able to get Loudoun to agree to quarter his troops at Castle William, which meant through the long process the colonists, were able to uphold their legal rights.

On May 3, 1765 the British Parliament met and finally passed a Quartering Act for the Americans. The act stated that troops could only be quartered in barracks and if there wasn't enough space in barracks then they were to be quartered in public houses and inns. If still not enough space then the governor and council were to find vacant space, but at no time was it legal to quarter troops in private homes.

Modern relevance

A section of the United States Declaration of Independence listing the colonies' grievances against the King explicitly notes:

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation: For quartering large bodies of armed troops among us.

The Third Amendment to the United States Constitution, expressly prohibited the military from peacetime quartering of troops without consent of the owner of the house. A product of their times, the relevance of the Acts and the Third Amendment

has greatly declined since the era of the American Revolution, having been the subject of only one case in over 200 years, *Engblom v. Carey* in 1982.

The Quartering Act has been cited as one of the reasons for the Second Amendment to the United States Constitution, which prohibits infringing on the right of the people to keep and bear arms. Standing armies were mistrusted, and the First Congress considered quartering of troops to have been one of the tools of oppression before and during the American revolution.

Stamp Act 1765

The **Stamp Act of 1765** (short title: *Duties in American Colonies Act 1765*; 5 George III, c. 12) was an Act of the Parliament of Great Britain which imposed a direct tax on the British colonies in America and required that many printed materials in the colonies be produced on stamped paper produced in London, carrying an embossed revenue stamp. Printed materials included legal documents, magazines, playing cards, newspapers, and many other types of paper used throughout the colonies, and it had to be paid in British currency, not in colonial paper money.

The purpose of the tax was to pay for British military troops stationed in the American colonies after the French and Indian War, but the colonists had never feared a French invasion to begin with, and they contended that they had already paid their share of the war expenses. They suggested that it was actually a matter of British patronage to surplus British officers and career soldiers who should be paid by London.

The Stamp Act was very unpopular among colonists. A majority considered it a violation of their rights as Englishmen to be taxed without their consent—consent that only the colonial legislatures could grant. Their slogan was "No taxation without representation". Colonial assemblies sent petitions and protests, and the Stamp Act Congress held in New York City was the first significant joint colonial response to any British measure when it petitioned Parliament and the King.

One member of the British Parliament argued that the American colonists were no different from the 90-percent of Great Britain who did not own property and thus could not vote, but who were nevertheless "virtually" represented by land-owning electors and representatives who had common interests with them. Daniel Dulany, a Maryland attorney and politician, refuted this in a widely read pamphlet by pointing out that the relations between the Americans and the English electors were "a knot too infirm to be relied on" for proper representation, "virtual" or otherwise. Local protest groups established Committees of Correspondence which created a loose coalition from New England to Maryland. Protests and demonstrations increased, often initiated by the Sons of Liberty and occasionally involving hanging of effigies. Very soon, all stamp tax distributors were intimidated into resigning their commissions, and the tax was never effectively collected.

Opposition to the Stamp Act was not limited to the colonies. British merchants and manufacturers pressured Parliament because their exports to the colonies were threatened by boycotts. The Act was repealed on 18 March 1766 as a matter of expedience, but Parliament affirmed its power to legislate for the colonies "in all cases whatsoever" by also passing the

Declaratory Act. A series of new taxes and regulations then ensued—likewise opposed by the Americans. The episode played a major role in defining the 27 colonial grievances that were clearly stated within the text of the *Indictment of George III* section of the United States Declaration of Independence, enabling the organized colonial resistance which led to the American Revolution in 1775.

Background

The British victory in the Seven Years' War (1756–1763), known in America as the French and Indian War, had been won only at a great financial cost. During the war, the British national debt nearly doubled, rising from £72,289,673 in 1755 to almost £129,586,789 by 1764. Post-war expenses were expected to remain high because the Bute ministry decided in early 1763 to keep ten thousand British regulars in the American colonies, which would cost about £225,000 per year, equal to £33 million today. The primary reason for retaining such a large force was that demobilizing the army would put 1,500 officers out of work, many of whom were well-connected in Parliament. This made it politically prudent to retain a large peacetime establishment, but Britons were averse to maintaining a standing army at home so it was necessary to garrison most of the troops elsewhere.

The outbreak of Pontiac's War in May of 1763 led to the Royal Proclamation of 1763 and the added duty of British soldiers to prevent outbreaks of violence between Native Americans and American colonists. 10,000 British troops were dispatched to the American frontier, with a primary motivation of the move being to provide billets for the officers who were part of the

British patronage system. John Adams wrote disparagingly of the deployment, writing that "Revenue is still demanded from America, and appropriated to the maintenance of swarms of officers and pensioners in idleness and luxury".

George Grenville became prime minister in April 1763 after the failure of the short-lived Bute Ministry, and he had to find a way to pay for this large peacetime army. Raising taxes in Britain was out of the question, since there had been virulent protests in England against the Bute ministry's 1763 cider tax, with Bute being hanged in effigy. The Grenville ministry, therefore, decided that Parliament would raise this revenue by taxing the American colonists without their consent. This was something new; Parliament had previously passed measures to regulate trade in the colonies, but it had never before directly taxed the colonies to raise revenue.

Politicians in London had always expected American colonists to contribute to the cost of their own defense. So long as a French threat existed, there was little trouble convincing colonial legislatures to provide assistance. Such help was normally provided through the raising of colonial militias, which were funded by taxes raised by colonial legislatures. Also, the legislatures were sometimes willing to help maintain regular British units defending the colonies.

So long as this sort of help was forthcoming, there was little reason for the British Parliament to impose its own taxes on the colonists. But after the peace of 1763, colonial militias were quickly stood down. Militia officers were tired of the disdain shown to them by regular British officers, and were frustrated by the near-impossibility of obtaining regular

British commissions; they were unwilling to remain in service once the war was over. In any case, they had no military role, as the Indian threat was minimal and there was no foreign threat. Colonial legislators saw no need for the British troops.

The Sugar Act of 1764 was the first tax in Grenville's program to raise a revenue in America, which was a modification of the Molasses Act of 1733. The Molasses Act had imposed a tax of 6 pence per gallon (equal to £4.18 today) on foreign molasses imported into British colonies.

The purpose of the Molasses Act was not actually to raise revenue, but instead to make foreign molasses so expensive that it effectively gave a monopoly to molasses imported from the British West Indies. It did not work; colonial merchants avoided the tax by smuggling or, more often, bribing customs officials. The Sugar Act reduced the tax to 3 pence per gallon (equal to £1.79 today) in the hope that the lower rate would increase compliance and thus increase the amount of tax collected. The Act also taxed additional imports and included measures to make the customs service more effective.

American colonists initially objected to the Sugar Act for economic reasons, but before long they recognized that there were constitutional issues involved. The British Constitution guaranteed that British subjects could not be taxed without their consent, which came in the form of representation in Parliament. The colonists elected no members of Parliament, and so it was seen as a violation of the British Constitution for Parliament to tax them. There was little time to raise this issue in response to the Sugar Act, but it came to be a major objection to the Stamp Act the following year.

British decision-making

Parliament announced in April 1764 when the Sugar Act was passed that they would also consider a stamp tax in the colonies. Opposition from the colonies was soon forthcoming to this possible tax, but neither members of Parliament nor American agents in Great Britain (such as Benjamin Franklin) anticipated the intensity of the protest that the tax generated.

Stamp acts had been a very successful method of taxation within Great Britain; they generated over £100,000 in tax revenue with very little in collection expenses. By requiring an official stamp on most legal documents, the system was almost self-regulating; a document would be null and void under British law without the required stamp. Imposition of such a tax on the colonies had been considered twice before the Seven Years' War and once again in 1761. Grenville had actually been presented with drafts of colonial stamp acts in September and October 1763, but the proposals lacked the specific knowledge of colonial affairs to adequately describe the documents subject to the stamp. At the time of the passage of the Sugar Act in April 1764, Grenville made it clear that the right to tax the colonies was not in question, and that additional taxes might follow, including a stamp tax.

The Glorious Revolution had established the principle of parliamentary supremacy. Control of colonial trade and manufactures extended this principle across the ocean. This belief had never been tested on the issue of colonial taxation, but the British assumed that the interests of the thirteen colonies were so disparate that a joint colonial action was unlikely to occur against such a tax—an assumption that had

its genesis in the failure of the Albany Conference in 1754. By the end of December 1764, the first warnings of serious colonial opposition were provided by pamphlets and petitions from the colonies protesting both the Sugar Act and the proposed stamp tax.

For Grenville, the first issue was the amount of the tax. Soon after his announcement of the possibility of a tax, he had told American agents that he was not opposed to the Americans suggesting an alternative way of raising the money themselves. However, the only other alternative would be to requisition each colony and allow them to determine how to raise their share. This had never worked before, even during the French and Indian War, and there was no political mechanism in place that would have ensured the success of such cooperation. On 2 February 1765, Grenville met to discuss the tax with Benjamin Franklin, Jared Ingersoll from New Haven, Richard Jackson, agent for Connecticut, and Charles Garth, the agent for South Carolina (Jackson and Garth were also members of Parliament). These colonial representatives had no specific alternative to present; they simply suggested that the determination be left to the colonies. Grenville replied that he wanted to raise the money "by means the most easy and least objectionable to the Colonies".

Thomas Whately had drafted the Stamp Act, and he said that the delay in implementation had been "out of Tenderness to the colonies", and that the tax was judged as "the easiest, the most equal and the most certain."

The debate in Parliament began soon after this meeting. Petitions submitted by the colonies were officially ignored by

Parliament. In the debate, Charles Townshend said, "and now will these Americans, children planted by our care, nourished up by our Indulgence until 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 heavy weight of the burden which we lie under?" This led to Colonel Isaac Barré's response:

They planted by your care? No! Your oppression planted 'em in America. They fled from your tyranny to a then uncultivated and inhospitable 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 God's earth....

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 liberty, 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....

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 drenched in blood, its interior parts have yielded all its little savings to your emolument The people I believe are as truly loyal as any subjects the king has, but a people jealous of their liberties and who will vindicate them if ever

they should be violated; but the subject is too delicate and I will say no more." Massachusetts Royal Governor William Shirley assured London in 1755 that American independence could easily be defeated by force. He argued:

- At all Events, they could not maintain such an Independency, without a Strong Naval Force, which it must forever be in the Power of Great Britain to hinder them from having: And whilst His Majesty hath 7000 Troops kept up within them, & in the Great Lakes upon the back of six of them, with the Indians at Command, it seems very easy, provided the Governors & principal Civil Officers are Independent of the Assemblies for their Subsistence, & commonly Vigilant, to prevent any Steps of that kind from being taken.

Details of tax

The Stamp Act was passed by Parliament on 22 March 1765 with an effective date of 1 November 1765. It passed 205–49 in the House of Commons and unanimously in the House of Lords. Historians Edmund and Helen Morgan describe the specifics of the tax:

The highest tax, £10, was placed ... on attorney licenses. Other papers relating to court proceedings were taxed in amounts varying from 3d. to 10s. Land grants under a hundred acres were taxed 1s. 6d., between 100 and 200 acres 2s., and from 200 to 320 acres 2s. 6d., with an additional 2s 6d. for every additional 320 acres (1.3 km). Cards were taxed a shilling a pack, dice ten shillings, and newspapers and pamphlets at the

rate of a penny for a single sheet and a shilling for every sheet in pamphlets or papers totaling more than one sheet and fewer than six sheets in octavo, fewer than twelve in quarto, or fewer than twenty in folio (in other words, the tax on pamphlets grew in proportion to their size but ceased altogether if they became large enough to qualify as a book).

The high taxes on lawyers and college students were designed to limit the growth of a professional class in the colonies. The stamps had to be purchased with hard currency, which was scarce, rather than the more plentiful colonial paper currency. To avoid draining currency out of the colonies, the revenues were to be expended in America, especially for supplies and salaries of British Army units who were stationed there.

Two features of the Stamp Act involving the courts attracted special attention. The tax on court documents specifically included courts "exercising ecclesiastical jurisdiction." These type of courts did not currently exist in the colonies and no bishops were currently assigned to the colonies, who would preside over the courts. Many colonists or their ancestors had fled England specifically to escape the influence and power of such state-sanctioned religious institutions, and they feared that this was the first step to reinstating the old ways in the colonies. Some Anglicans in the northern colonies were already openly advocating the appointment of such bishops, but they were opposed by both southern Anglicans and the non-Anglicans who made up the majority in the northern colonies.

The Stamp Act allowed admiralty courts to have jurisdiction for trying violators, following the example established by the Sugar Act. However, admiralty courts had traditionally been limited

to cases involving the high seas. The Sugar Act seemed to fall within this precedent, but the Stamp Act did not, and the colonists saw this as a further attempt to replace their local courts with courts controlled by England.

Colonial reaction

Political responses

Grenville started appointing Stamp Distributors almost immediately after the Act passed Parliament. Applicants were not hard to come by because of the anticipated income that the positions promised, and he appointed local colonists to the post. Benjamin Franklin even suggested the appointment of John Hughes as the agent for Pennsylvania, indicating that even Franklin was not aware of the turmoil and impact that the tax was going to generate on American-British relations or that these distributors would become the focus of colonial resistance.

Debate in the colonies had actually begun in the spring of 1764 over the Stamp Act when Parliament passed a resolution that contained the assertion, "That, towards further defraying the said Expences, it may be proper to charge certain Stamp Duties in the said Colonies and Plantations." Both the Sugar Act and the proposed Stamp Act were designed principally to raise revenue from the colonists. The Sugar Act, to a large extent, was a continuation of past legislation related primarily to the regulation of trade (termed an external tax), but its stated purpose was entirely new: to collect revenue directly from the colonists for a specific purpose. The novelty of the

Stamp Act was that it was the first internal tax (a tax based entirely on activities within the colonies) levied directly on the colonies by Parliament. It was judged by the colonists to be a more dangerous assault on their rights than the Sugar Act was, because of its potential wide application to the colonial economy.

The theoretical issue that soon held center stage was the matter of taxation without representation. Benjamin Franklin had raised this as far back as 1754 at the Albany Congress when he wrote, "That it is suppos'd an undoubted Right of Englishmen not to be taxed but by their own Consent given thro' their Representatives. That the Colonies have no Representatives in Parliament." The counter to this argument was the theory of virtual representation. Thomas Whately enunciated this theory in a pamphlet that readily acknowledged that there could be no taxation without consent, but the facts were that at least 75% of British adult males were not represented in Parliament because of property qualifications or other factors. Members of Parliament were bound to represent the interests of all British citizens and subjects, so colonists were the recipients of virtual representation in Parliament, like those disenfranchised subjects in the British Isles. This theory, however, ignored a crucial difference between the unrepresented in Britain and the colonists. The colonists enjoyed actual representation in their own legislative assemblies, and the issue was whether these legislatures, rather than Parliament, were in fact the sole recipients of the colonists' consent with regard to taxation.

In May 1764, Samuel Adams of Boston drafted the following that stated the common American position:

For if our Trade may be taxed why not our Lands? Why not the Produce of our Lands & every thing we possess or make use of? This we apprehend annihilates our Charter Right to govern & tax ourselves – It strikes our British Privileges, which as we have never forfeited them, we hold in common with our Fellow Subjects who are Natives of Britain: If Taxes are laid upon us in any shape without our having a legal Representation where they are laid, are we not reduced from the Character of free Subjects to the miserable State of tributary Slaves.

Massachusetts appointed a five-member Committee of Correspondence in June 1764 to coordinate action and exchange information regarding the Sugar Act, and Rhode Island formed a similar committee in October 1764. This attempt at unified action represented a significant step forward in colonial unity and cooperation. The Virginia House of Burgesses sent a protest of the taxes to London in December 1764, arguing that they did not have the specie required to pay the tax. Massachusetts, New York, New Jersey, Rhode Island, and Connecticut also sent protest to England in 1764. The content of the messages varied, but they all emphasized that taxation of the colonies without colonial assent was a violation of their rights. By the end of 1765, all of the Thirteen Colonies except Georgia and North Carolina had sent some sort of protest passed by colonial legislative assemblies.

The Virginia House of Burgesses reconvened in early May 1765 after news was received of the passage of the Act. By the end of May, it appeared that they would not consider the tax, and many legislators went home, including George Washington. Only 30 out of 116 Burgesses remained, but one of those remaining was Patrick Henry who was attending his first

session. Henry led the opposition to the Stamp Act; he proposed his resolutions on 30 May 1765, and they were passed in the form of the Virginia Resolves. The Resolves stated:

Resolved, That the first Adventurers and Settlers of this his majesty's colony and Dominion of Virginia brought with them, and transmitted to their Posterity, and all other his Majesty's subjects since inhabiting in this his Majesty's said Colony, all the Liberties, privileges, Franchises, and Immunities that have at any Time been held, enjoyed, and possessed, by the People of Great Britain.

Resolved, That by the two royal Charters, granted by King James the First, the Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of England.

Resolved, That the Taxation of the People by themselves, or by Persons chosen by themselves to represent them, who could 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 burdensome Taxation, and the distinguishing characteristic of British Freedom, without which the ancient Constitution cannot exist.

Resolved, That his majesty's liege people of this his most ancient and loyal Colony have without interruption enjoyed the inestimable Right of being governed by such Laws, respecting their internal Polity and Taxation, as are derived from their own Consent, with the Approbation of their Sovereign, or his

Substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the King and People of Great Britain.

On 6 June 1765, the Massachusetts Lower House proposed a meeting for the 1st Tuesday of October in New York City:

That it is highly expedient there should be a Meeting as soon as may be, of Committees from the Houses of Representatives or Burgesses in the several Colonies on this Continent to consult together on the present Circumstances of the Colonies, and the difficulties to which they are and must be reduced by the operation of the late Acts of Parliament for levying Duties and Taxes on the Colonies, and to consider of a general and humble Address to his Majesty and the Parliament to implore Relief.

There was no attempt to keep this meeting a secret; Massachusetts promptly notified Richard Jackson of the proposed meeting, their agent in England and a member of Parliament.

Protests in the streets

While the colonial legislatures were acting, the ordinary citizens of the colonies were also voicing their concerns outside of this formal political process. Historian Gary B. Nash wrote:

Whether stimulated externally or ignited internally, ferment during the years from 1761 to 1766 changed the dynamics of social and political relations in the colonies and set in motion currents of reformist sentiment with the force of a mountain wind. Critical to this half-decade was the colonial response to

England's Stamp Act, more the reaction of common colonists than that of their presumed leaders. Both loyal supporters of English authority and well-established colonial protest leaders underestimated the self-activating capacity of ordinary colonists. By the end of 1765 ... people in the streets had astounded, dismayed, and frightened their social superiors.

Massachusetts

Early street protests were most notable in Boston. Andrew Oliver was a distributor of stamps for Massachusetts who was hanged in effigy on 14 August 1765 "from a giant elm tree at the crossing of Essex and Orange Streets in the city's South End." Also hung was a jackboot painted green on the bottom ("a Green-ville sole"), a pun on both Grenville and the Earl of Bute, the two people most blamed by the colonists. Lieutenant Governor Thomas Hutchinson ordered sheriff Stephen Greenleaf to take down the effigy, but he was opposed by a large crowd. All day the crowd detoured merchants on Orange Street to have their goods symbolically stamped under the elm tree, which later became known as the "Liberty Tree".

Ebenezer MacIntosh was a veteran of the Seven Years' War and a shoemaker. One night, he led a crowd which cut down the effigy of Andrew Oliver and took it in a funeral procession to the Town House where the legislature met. From there, they went to Oliver's office—which they tore down and symbolically stamped the timbers. Next, they took the effigy to Oliver's home at the foot of Fort Hill, where they beheaded it and then burned it—along with Oliver's stable house and coach and chaise. Greenleaf and Hutchinson were stoned when they tried to stop the mob, which then looted and destroyed the contents

of Oliver's house. Oliver asked to be relieved of his duties the next day. This resignation, however, was not enough. Oliver was ultimately forced by MacIntosh to be paraded through the streets and to publicly resign under the Liberty Tree.

As news spread of the reasons for Andrew Oliver's resignation, violence and threats of aggressive acts increased throughout the colonies, as did organized groups of resistance. Throughout the colonies, members of the middle and upper classes of society formed the foundation for these groups of resistance and soon called themselves the Sons of Liberty. These colonial groups of resistance burned effigies of royal officials, forced Stamp Act collectors to resign, and were able to get businessmen and judges to go about without using the proper stamps demanded by Parliament.

On 16 August, a mob damaged the home and official papers of William Story, the deputy register of the Vice-Admiralty, who then moved to Marblehead, Massachusetts. Benjamin Hallowell, the comptroller of customs, suffered the almost total loss of his home.

On 26 August, MacIntosh led an attack on Hutchinson's mansion. The mob evicted the family, destroyed the furniture, tore down the interior walls, emptied the wine cellar, scattered Hutchinson's collection of Massachusetts historical papers, and pulled down the building's cupola. Hutchinson had been in public office for three decades; he estimated his loss at £2,218 (in today's money, at nearly \$250,000). Nash concludes that this attack was more than just a reaction to the Stamp Act:

But it is clear that the crowd was giving vent to years of resentment at the accumulation of wealth and power by the

haughty prerogative faction led by Hutchinson. Behind every swing of the ax and every hurled stone, behind every shattered crystal goblet and splintered mahogany chair, lay the fury of a plain Bostonian who had read or heard the repeated references to impoverished people as "rabble" and to Boston's popular caucus, led by Samuel Adams, as a "herd of fools, tools, and synchophants."

Governor Francis Bernard offered a £300 reward for information on the leaders of the mob, but no information was forthcoming. MacIntosh and several others were arrested, but were either freed by pressure from the merchants or released by mob action.

The street demonstrations originated from the efforts of respectable public leaders such as James Otis, who commanded the *Boston Gazette*, and Samuel Adams of the "Loyal Nine" of the Boston Caucus, an organization of Boston merchants. They made efforts to control the people below them on the economic and social scale, but they were often unsuccessful in maintaining a delicate balance between mass demonstrations and riots. These men needed the support of the working class, but also had to establish the legitimacy of their actions to have their protests to England taken seriously. At the time of these protests, the Loyal Nine was more of a social club with political interests but, by December 1765, it began issuing statements as the Sons of Liberty.

Rhode Island

Rhode Island also experienced street violence. A crowd built a gallows near the Town House in Newport on 27 August, where

they carried effigies of three officials appointed as stamp distributors: Augustus Johnson, Dr. Thomas Moffat, and lawyer Martin Howard. The crowd at first was led by merchants William Ellery, Samuel Vernon, and Robert Crook, but they soon lost control. That night, the crowd was led by a poor man named John Weber, and they attacked the houses of Moffat and Howard, where they destroyed walls, fences, art, furniture, and wine. The local Sons of Liberty were publicly opposed to violence, and they refused at first to support Weber when he was arrested. They were persuaded to come to his assistance, however, when retaliation was threatened against their own homes. Weber was released and faded into obscurity.

Howard became the only prominent American to publicly support the Stamp Act in his pamphlet "A Colonist's Defence of Taxation" (1765). After the riots, Howard had to leave the colony, but he was rewarded by the Crown with an appointment as Chief Justice of North Carolina at a salary of £1,000.

New York

In New York, James McEvers resigned his distributorship four days after the attack on Hutchinson's house. The stamps arrived in New York Harbor on 24 October for several of the northern colonies. Placards appeared throughout the city warning that "the first man that either distributes or makes use of stamped paper let him take care of his house, person, and effects." New York merchants met on 31 October and agreed not to sell any English goods until the Act was repealed. Crowds took to the streets for four days of demonstrations, uncontrolled by the local leaders, culminating in an attack by

two thousand people on Governor Cadwallader Colden's home and the burning of two sleighs and a coach. Unrest in New York City continued through the end of the year, and the local Sons of Liberty had difficulty in controlling crowd actions.

Other Colonies

In Frederick, Maryland, a court of 12 magistrates ruled the Stamp Act invalid on 23 November 1765, and directed that businesses and colonial officials proceed in all matters without use of the stamps.

A week later, a crowd conducted a mock funeral procession for the act in the streets of Frederick. The magistrates have been dubbed the "12 Immortal Justices," and 23 November has been designated "Repudiation Day" by the Maryland state legislature. On 1 October 2015, Senator Cardin (D-MD) read into the Congressional Record a statement noting 2015 as the 250th anniversary of the event. Among the 12 magistrates was William Lockett, who later served as lieutenant colonel in the Maryland Militia at the Battle of Germantown.

Other popular demonstrations occurred in Portsmouth, New Hampshire; Annapolis, Maryland; Wilmington and New Bern, North Carolina; and Charleston, South Carolina. In Philadelphia, Pennsylvania demonstrations were subdued but even targeted Benjamin Franklin's home, although it was not vandalized. By 16 November, twelve of the stamp distributors had resigned. The Georgia distributor did not arrive in America until January 1766, but his first and only official action was to resign.

The overall effect of these protests was to both anger and unite the American people like never before. Opposition to the Act inspired both political and constitutional forms of literature throughout the colonies, strengthened the colonial political perception and involvement, and created new forms of organized resistance. These organized groups quickly learned that they could force royal officials to resign by employing violent measures and threats.

Quebec, Nova Scotia, Newfoundland, and the Caribbean

The main issue was the constitutional rights of Englishmen, so the French in Quebec did not react. Some English-speaking merchants were opposed but were in a fairly small minority. The *Quebec Gazette* ceased publication until the act was repealed, apparently over the unwillingness to use stamped paper. In neighboring Nova Scotia a number of former New England residents objected, but recent British immigrants and London-oriented business interests based in Halifax, the provincial capital were more influential. The only major public protest was the hanging in effigy of the stamp distributor and Lord Bute. The act was implemented in both provinces, but Nova Scotia's stamp distributor resigned in January 1766, beset by ungrounded fears for his safety. Authorities there were ordered to allow ships bearing unstamped papers to enter its ports, and business continued unabated after the distributors ran out of stamps. The Act occasioned some protests in Newfoundland, and the drafting of petitions opposing not only the Stamp Act, but the existence of the customhouse at St. John's, based on legislation dating back to the reign of Edward VI forbidding any sort of duties on the importation of goods related to its fisheries.

Violent protests were few in the Caribbean colonies. Political opposition was expressed in a number of colonies, including Barbados and Antigua, and by absentee landowners living in Britain. The worst political violence took place on St. Kitts and Nevis. Riots took place on 31 October 1765, and again on 5 November, targeting the homes and offices of stamp distributors; the number of participants suggests that the percentage of St. Kitts' white population involved matched that of Bostonian involvement in its riots. The delivery of stamps to St. Kitts was successfully blocked, and they were never used there.

Montserrat and Antigua also succeeded in avoiding the use of stamps; some correspondents thought that rioting was prevented in Antigua only by the large troop presence. Despite vocal political opposition, Barbados used the stamps, to the pleasure of King George. In Jamaica there was also vocal opposition, which included threats of violence. There was much evasion of the stamps, and ships arriving without stamped papers were allowed to enter port. Despite this, Jamaica produced more stamp revenue (£2,000) than any other colony.

Sons of Liberty

It was during this time of street demonstrations that locally organized groups started to merge into an inter-colonial organization of a type not previously seen in the colonies. The term "sons of liberty" had been used in a generic fashion well before 1765, but it was only around February 1766 that its influence extended throughout the colonies as an organized group using the formal name "Sons of Liberty", leading to a pattern for future resistance to the British that carried the

colonies towards 1776. Historian John C. Miller noted that the name was adopted as a result of Barre's use of the term in his February 1765 speech.

The organization spread month by month after independent starts in several different colonies. By 6 November, a committee was set up in New York to correspond with other colonies, and in December an alliance was formed between groups in New York and Connecticut. In January, a correspondence link was established between Boston and Manhattan, and by March, Providence had initiated connections with New York, New Hampshire, and Newport. By March, Sons of Liberty organizations had been established in New Jersey, Maryland, and Norfolk, Virginia, and a local group established in North Carolina was attracting interest in South Carolina and Georgia.

The officers and leaders of the Sons of Liberty "were drawn almost entirely from the middle and upper ranks of colonial society," but they recognized the need to expand their power base to include "the whole of political society, involving all of its social or economic subdivisions." To do this, the Sons of Liberty relied on large public demonstrations to expand their base. They learned early on that controlling such crowds was problematical, although they strived to control "the possible violence of extra-legal gatherings". The organization professed its loyalty to both local and British established government, but possible military action as a defensive measure was always part of their considerations. Throughout the Stamp Act Crisis, the Sons of Liberty professed continued loyalty to the King because they maintained a "fundamental confidence" that Parliament would do the right thing and repeal the tax.

Colonial newspapers

John Adams complained that the London ministry was intentionally trying "to strip us in a great measure of the means of knowledge, by loading the Press, the colleges, and even an Almanack and a News-Paper, with restraints and duties." The press fought back. By 1760 the fledgling American newspaper industry comprised 24 weekly papers in major cities. Benjamin Franklin had created an informal network so that each one routinely reprinted news, editorials, letters and essays from the others, thus helping form a common American voice. All the editors were annoyed at the new stamp tax they would have to pay on each copy. By informing colonists what the other colonies were saying the press became a powerful opposition force to the Stamp Act. Many circumvented it and most equated taxation without representation with despotism and tyranny, thus providing a common vocabulary of protest for the Thirteen Colonies.

The newspapers reported effigy hangings and stamp master resignation speeches. Some newspapers were on the royal payroll and supported the Act, but most of the press was free and vocal. Thus William Bradford, the foremost printer in Philadelphia, became a leader of the Sons of Liberty. He added a skull and crossbones with the words, "the fatal Stamp," to the masthead of his *Pennsylvania Journal and weekly Advertiser*.

Some of the earliest forms of American propaganda appeared in these printings in response to the law. The articles written in colonial newspapers were particularly critical of the act because of the Stamp Act's disproportionate effect on printers.

David Ramsay, a patriot and historian from South Carolina, wrote of this phenomenon shortly after the American Revolution:

It was fortunate for the liberties of America, that newspapers were the subject of a heavy stamp duty. Printers, when influenced by government, have generally arranged themselves on the side of liberty, nor are they less remarkable for attention to the profits of their profession. A stamp duty, which openly invaded the first, and threatened a great diminution of the last, provoked their united zealous opposition.

Most printers were critical of the Stamp Act, although a few Loyalist voices did exist. Some of the more subtle Loyalist sentiments can be seen in publications such as *The Boston Evening Post*, which was run by British sympathizers John and Thomas Fleet. The article detailed a violent protest that occurred in New York in December, 1765, then described the riot's participants as "imperfect" and labeled the group's ideas as "contrary to the general sense of the people." These Loyalists beliefs can be seen in some of the early newspaper articles about the Stamp Act, but the anti-British writings were more prevalent and seem to have had a more powerful effect.

Many papers assumed a relatively conservative tone before the act went into effect, implying that they might close if it wasn't repealed. However, as time passed and violent demonstrations ensued, the authors became more vitriolic. Several newspaper editors were involved with the Sons of Liberty, such as William Bradford of *The Pennsylvania Journal* and Benjamin Edes of *The Boston Gazette*, and they echoed the group's sentiments in

their publications. The Stamp Act went into effect that November and many newspapers ran editions with imagery of tombstones and skeletons, emphasizing that their papers were "dead" and would no longer be able to print because of the Stamp Act. However, most of them returned in the upcoming months, defiantly appearing without the stamp of approval that was deemed necessary by the Stamp Act. Printers were greatly relieved when the law was nullified in the following spring, and the repeal asserted their positions as a powerful voice (and compass) for public opinion.

Stamp Act Congress

The Stamp Act Congress was held in New York in October 1765. Twenty-seven delegates from nine colonies were the members of the Congress, and their responsibility was to draft a set of formal petitions stating why Parliament had no right to tax them. Among the delegates were many important men in the colonies. Historian John Miller observes, "The composition of this Stamp Act Congress ought to have been convincing proof to the British government that resistance to parliamentary taxation was by no means confined to the riffraff of colonial seaports."

The youngest delegate was 26-year-old John Rutledge of South Carolina, and the oldest was 65-year-old Hendrick Fisher of New Jersey. Ten of the delegates were lawyers, ten were merchants, and seven were planters or land-owning farmers; all had served in some type of elective office, and all but three were born in the colonies. Four died before the colonies declared independence, and four signed the Declaration of

Independence; nine attended the first and second Continental Congresses, and three were Loyalists during the Revolution.

New Hampshire declined to send delegates, and North Carolina, Georgia, and Virginia were not represented because their governors did not call their legislatures into session, thus preventing the selection of delegates. Despite the composition of the congress, each of the Thirteen Colonies eventually affirmed its decisions. Six of the nine colonies represented at the Congress agreed to sign the petitions to the King and Parliament produced by the Congress. The delegations from New York, Connecticut, and South Carolina were prohibited from signing any documents without first receiving approval from the colonial assemblies that had appointed them.

Massachusetts governor Francis Bernard believed that his colony's delegates to the Congress would be supportive of Parliament. Timothy Ruggles in particular was Bernard's man, and was elected chairman of the Congress. Ruggles' instructions from Bernard were to "recommend submission to the Stamp Act until Parliament could be persuaded to repeal it." Many delegates felt that a final resolution of the Stamp Act would actually bring Britain and the colonies closer together. Robert Livingston of New York stressed the importance of removing the Stamp Act from the public debate, writing to his colony's agent in England, "If I really wished to see America in a state of independence I should desire as one of the most effectual means to that end that the stamp act should be enforced."

The Congress met for 12 consecutive days, including Sundays. There was no audience at the meetings, and no information

was released about the deliberations. The meeting's final product was called "The Declaration of Rights and Grievances", and was drawn up by delegate John Dickinson of Pennsylvania. This Declaration raised fourteen points of colonial protest. It asserted that colonists possessed all the rights of Englishmen in addition to protesting the Stamp Act issue, and that Parliament could not represent the colonists since they had no voting rights over Parliament. Only the colonial assemblies had a right to tax the colonies.

They also asserted that the extension of authority of the admiralty courts to non-naval matters represented an abuse of power.

In addition to simply arguing for their rights as Englishmen, the congress also asserted that they had certain natural rights solely because they were human beings. Resolution 3 stated, "That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives." Both Massachusetts and Pennsylvania brought forth the issue in separate resolutions even more directly when they respectively referred to "the Natural rights of Mankind" and "the common rights of mankind".

Christopher Gadsden of South Carolina had proposed that the Congress' petition should go only to the king, since the rights of the colonies did not originate with Parliament. This radical proposal went too far for most delegates and was rejected. The "Declaration of Rights and Grievances" was duly sent to the king, and petitions were also sent to both Houses of Parliament.

Repeal

Grenville was replaced by Lord Rockingham as Prime Minister on 10 July 1765. News of the mob violence began to reach England in October. Conflicting sentiments were taking hold in Britain at the same time that resistance was building and accelerating in America. Some wanted to strictly enforce the Stamp Act over colonial resistance, wary of the precedent that would be set by backing down. Others felt the economic effects of reduced trade with America after the Sugar Act and an inability to collect debts while the colonial economy suffered, and they began to lobby for a repeal of the Stamp Act. The colonial protest had included various non-importation agreements among merchants who recognized that a significant portion of British industry and commerce was dependent on the colonial market. This movement had also spread through the colonies; 200 merchants had met in New York City and agreed to import nothing from England until the Stamp Act was repealed.

When Parliament met in December 1765, it rejected a resolution offered by Grenville that would have condemned colonial resistance to the enforcement of the Act. Outside of Parliament, Rockingham and his secretary Edmund Burke, a member of Parliament himself, organized London merchants who started a committee of correspondence to support repeal of the Stamp Act by urging merchants throughout the country to contact their local representatives in Parliament. When Parliament reconvened on 14 January 1766, the Rockingham ministry formally proposed repeal. Amendments were considered that would have lessened the financial impact on

the colonies by allowing colonists to pay the tax in their own scrip, but this was viewed to be too little and too late.

William Pitt stated in the Parliamentary debate that everything done by the Grenville ministry "has been entirely wrong" with respect to the colonies. He further stated, "It is my opinion that this Kingdom has no right to lay a tax upon the colonies." Pitt still maintained "the authority of this kingdom over the colonies, to be sovereign and supreme, in every circumstance of government and legislature whatsoever," but he made the distinction that taxes were not part of governing, but were "a voluntary gift and grant of the Commons alone." He rejected the notion of virtual representation, as "the most contemptible idea that ever entered into the head of man."

Grenville responded to Pitt:

Protection and obedience are reciprocal. Great Britain protects America; America is bound to yield obedience. If, not, tell me when the Americans were emancipated? When they want the protection of this kingdom, they are always ready to ask for it. That protection has always been afforded them in the most full and ample manner. The nation has run itself into an immense debt to give them their protection; and now they are called upon to contribute a small share towards the public expence, and expence arising from themselves, they renounce your authority, insult your officers, and break out, I might also say, into open rebellion.

Pitt's response to Grenville included, "I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest."

Between 17 and 27 January, Rockingham shifted the attention from constitutional arguments to economic by presenting petitions complaining of the economic repercussions felt throughout the country. On 7 February, the House of Commons rejected a resolution by 274–134, saying that it would back the King in enforcing the Act. Henry Seymour Conway, the government's leader in the House of Commons, introduced the Declaratory Act in an attempt to address both the constitutional and the economic issues, which affirmed the right of Parliament to legislate for the colonies "in all cases whatsoever", while admitting the inexpediency of attempting to enforce the Stamp Act. Only Pitt and three or four others voted against it. Other resolutions passed which condemned the riots and demanded compensation from the colonies for those who suffered losses because of the actions of the mobs.

The House of Commons heard testimony between 11 and 13 February, the most important witness being Benjamin Franklin on the last day of the hearings. He responded to the question about how the colonists would react if the Act was not repealed: "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." A Scottish journalist observed Franklin's answers to Parliament and his effect on the repeal; he later wrote to Franklin, "To this very Examination, more than to any thing else, you are indebted to the speedy and total Repeal of this odious Law."

A resolution was introduced on 21 February to repeal the Stamp Act, and it passed by a vote of 276–168. The King gave royal assent on 18 March 1766. To celebrate the repeal, the

Sons of Liberty in Dedham, Massachusetts erected the Pillar of Liberty with a bust of Pitt on top.

Consequences

Some aspects of the resistance to the act provided a sort of rehearsal for similar acts of resistance to the 1767 Townshend Acts, particularly the activities of the Sons of Liberty and merchants in organizing opposition. The Stamp Act Congress was a predecessor to the later Continental Congresses, notably the Second Continental Congress which oversaw the establishment of American independence. The Committees of Correspondence used to coordinate activities were revived between 1772 and 1774 in response to a variety of controversial and unpopular affairs, and the colonies that met at the 1774 First Continental Congress established a non-importation agreement known as the Continental Association in response to Parliamentary passage of the Intolerable Acts.

Chapter 17

Declaratory, Townshend and Tea Act

Declaratory Act

The American Colonies Act 1766 (6 Geo 3 c 12), commonly known as the Declaratory Act, was an Act of the Parliament of Great Britain which accompanied the repeal of the Stamp Act 1765 and the changing and lessening of the Sugar Act. Parliament repealed the Stamp Act because boycotts were hurting British trade and used the declaration to justify the repeal and save face. The declaration stated that the Parliament's authority was the same in America as in Britain and asserted Parliament's authority to pass laws that were binding on the American colonies.

Background

Representatives from a number of the Thirteen Colonies assembled as the Stamp Act Congress in response to the Stamp Act 1765, to call into question the right of a distant power to tax them without proper representation.

The British Parliament was then faced with colonies who refused to comply with their Act. This, combined with protests that had occurred in the colonies and, perhaps more importantly, protests which had arisen in Great Britain from manufacturers who were suffering from the colonies' non-

importation agreement, all led to the repeal of the Stamp Act. Normally the economic activity in the colonies would not have caused such an outcry, but the British economy was still experiencing a post-war depression from the Seven Years' War.

Another reason for repeal of the Stamp Act was the replacement of George Grenville, the Prime Minister who had enacted the Stamp Acts, by Charles Watson-Wentworth, 2nd Marquess of Rockingham. Rockingham was more favorable towards the colonies and furthermore he was antagonistic towards policies that Grenville had enacted.

Rockingham invited Benjamin Franklin to speak to Parliament about colonial policy and he portrayed the colonists as in opposition to internal taxes (which were derived from internal colonial transactions) such as the Stamp Act called for, but not external taxes (which were duties laid on imported commodities). Parliament then agreed to repeal the Stamp Act on the condition that the Declaratory Act was passed. On March 18, 1766, Parliament repealed the Stamp Act and passed the Declaratory Act.

The Declaratory Act proclaimed that Parliament "had hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America ... in all cases whatsoever".

The phrasing of the act was intentionally unambiguous. In other words, the Declaratory Act of 1766 asserted that Parliament had the absolute power to make laws and changes to the colonial government, "in all cases whatsoever", even though the colonists were not represented in the Parliament.

Reaction

Although many in Parliament felt that taxes were implied in this clause, other members of Parliament and many of the colonists—who were busy celebrating what they saw as their political victory—did not. Other colonists, however, were outraged because the Declaratory Act hinted that more acts would be coming.

This Declaratory Act was copied almost word for word from the Irish Declaratory Act, an Act which had placed Ireland in a position of bondage to the crown, implying that the same fate would come to The Thirteen Colonies. However, the colonists never explicitly called for its repeal, and would seek reconciliation with the crown up until the last minute.

The political theorist Edward Mims described the American reaction to the Declaratory Act:

When in 1766 this modernised British Parliament, committed by now to the principle of parliamentary sovereignty unlimited and unlimitable, issued a declaration that a parliamentary majority could pass any law it saw fit, it was greeted with an out-cry of horror in the colonies. James Otis and Samuel Adams in Massachusetts, Patrick Henry in Virginia and other colonial leaders along the seaboard screamed "Treason" and "Magna Carta"! Such a doctrine, they insisted, demolished the essence of all their British ancestors had fought for, took the very savour out of that fine Anglo-Saxon liberty for which the sages and patriots of England had died.

Subsequent developments

Despite British recognition in 1783 of the independence of the United States, the Declaratory Act remained in force for the British Empire's remaining colonies in the western hemisphere. The Act was not repealed until 1964, by which time the handful of remaining British colonies in the West Indies were governed under constitutions explicitly granted under the authority of Parliament (in particular by the West Indies Act 1962).

However, since the Taxation of Colonies Act 1778 passed during the American Revolution, the British Parliament has never again attempted to directly impose taxation upon any of its colonies (today known as British overseas territories). Instead, whenever the British government perceived a need for colonial contributions towards the defence of the Empire (such as happened during the Anglo-German naval arms race of the early 20th century), it appealed to the colonial governments themselves to make those contributions, with varying levels of success.

Townshend Acts

The Townshend Acts (/ˈtaʊnzənd/) or Townshend Duties, refers to a series of British acts of Parliament passed during 1767 and 1768 relating to the British colonies in America. They are named after Charles Townshend, the Chancellor of the Exchequer who proposed the program. Historians vary slightly as to which acts they include under the heading "Townshend Acts", but five are often listed:

- **The New York Restraining Act 1767** passed on 5 June 1767
- **The Revenue Act 1767** passed on 26 June 1767
- **The Indemnity Act 1767** passed on 29 June 1767
- **The Commissioners of Customs Act 1767** passed on 29 June 1767
- **The Vice Admiralty Court Act 1768** passed on 6 July 1768

The purposes of the acts were to:

- raise revenue in the colonies to pay the salaries of governors and judges so that they would remain loyal to Great Britain
- create more effective means of enforcing compliance with trade regulations
- punish the Province of New York for failing to comply with the 1765 Quartering Act
- establish the precedent that the British Parliament had the right to tax the colonies

The Townshend Acts were met with resistance in the colonies, which eventually resulted in the Boston Massacre of 1770. They placed an indirect tax on glass, lead, paints, paper, and tea, all of which had to be imported from Britain. This form of revenue generation was Townshend's response to the failure of the Stamp Act 1765, which had provided the first form of direct taxation placed upon the colonies. However, the import duties proved to be similarly controversial. Colonial indignation over the acts was expressed in John Dickinson's *Letters from a Farmer in Pennsylvania* and in the Massachusetts Circular Letter. There was widespread protest, and American port cities

refused to import British goods, so Parliament began to partially repeal the Townshend duties. In March 1770, most of the taxes from the Townshend Acts were repealed by Parliament under Frederick, Lord North. However, the import duty on tea was retained in order to demonstrate to the colonists that Parliament held the sovereign authority to tax its colonies, in accordance with the Declaratory Act 1766.

The British government continued to tax the American colonies without providing representation in Parliament. American resentment, corrupt British officials, and abusive enforcement spurred colonial attacks on British ships, including the burning of the *Gaspee* in 1772. The Townshend Acts' taxation on imported tea was enforced once again by the Tea Act 1773, and this led to the Boston Tea Party in 1773 in which Bostonians destroyed a shipment of taxed tea.

Parliament responded with severe punishments in the Intolerable Acts 1774. The Thirteen Colonies drilled their militia units, and war finally erupted in Lexington and Concord in April 1775, launching the American Revolution.

Background

Following the Seven Years' War (1756–1763), the British government was deep in debt. To pay a small fraction of the costs of the newly expanded empire, the Parliament of Great Britain decided to levy new taxes on the colonies of British America. Previously, through the Trade and Navigation Acts, Parliament had used taxation to regulate the trade of the empire. But with the Sugar Act of 1764, Parliament sought, for the first time, to tax the colonies for the specific purpose of

raising revenue. American colonists argued that there were constitutional issues involved.

The Americans claimed they were not represented in Parliament, but the British government retorted that they had "virtual representation", a concept the Americans rejected. This issue, only briefly debated following the Sugar Act, became a major point of contention after Parliament's passage of the Stamp Act 1765. The Stamp Act proved to be wildly unpopular in the colonies, contributing to its repeal the following year, along with the failure to raise substantial revenue.

Implicit in the Stamp Act dispute was an issue more fundamental than taxation and representation: the question of the extent of Parliament's authority in the colonies. Parliament provided its answer to this question when it repealed the Stamp Act in 1766 by simultaneously passing the Declaratory Act, which proclaimed that Parliament could legislate for the colonies "in all cases whatsoever".

The five Townshend Acts

The New York Restraining Act 1767

This was the first of the five acts, passed on 5 June 1767. It forbade the New York Assembly and the governor of New York from passing any new bills until they agreed to comply with the Quartering Act 1765, which required them to pay for and provide housing, food and supplies for British troops in the colony. New York resisted the Quartering Act because it amounted to taxation without representation since they had no representatives in Parliament. Further, New York and the other

colonies did not believe British soldiers were any longer necessary in the colonies, since the French and Indian War had come to an end. However, New York reluctantly agreed to pay for at least some of the soldiers' needs as they understood they were going to be punished by Parliament unless they acted. The New York Restraining Act was never implemented because the New York Assembly acted in time.

The Revenue Act 1767

This was the second of the five acts, passed on 26 June 1767. It placed taxes on glass, lead, painters' colors, paper, and tea. It gave customs officials broad authority to enforce the taxes and punish smugglers through the use of "writs of assistance", general warrants that could be used to search private property for smuggled goods. There was an angry response from colonists, who deemed the taxes a threat to their rights as British subjects. The use of writs of assistance was significantly controversial since the right to be secure in one's private property was an established right in Britain.

The Indemnity Act 1767

This act was the (joint) third act, passed on 29 June 1767, the same day as the Commissioners of Customs Act (see below). 'Indemnity' means 'security or protection against a loss or other financial burden'. The Indemnity Act 1767 reduced taxes on the British East India Company when they imported tea into England. This allowed them to re-export the tea to the colonies more cheaply and resell it to the colonists. Until this time, all items had to be shipped to England first from wherever they were made and then re-exported to their destination, including

to the colonies. This followed from the principle of mercantilism in England, which meant the colonies were forced to trade only with England.

The British East India Company was one of England's largest companies but was on the verge of collapse due to much cheaper smuggled Dutch tea. Part of the purpose of the entire series of Townshend Acts was to save the company from imploding. Since tea smuggling had become a common and successful practice, Parliament realized how difficult it was to enforce the taxing of tea. The Act stated that no more taxes would be placed on tea, and it made the cost of the East India Company's tea less than tea that was smuggled via Holland. It was an incentive for the colonists to purchase the East India Company tea.

The Commissioners of Customs Act 1767

This act was passed on 29 June 1767 also. It created a new Customs Board for the North American colonies, to be headquartered in Boston with five customs commissioners. New offices were eventually opened in other ports as well. The Board was created to enforce shipping regulations and increase tax revenue. Previously, customs enforcement was handled by the Customs Board back in England. Due to the distance, enforcement was poor, taxes were avoided and smuggling was rampant. Once the new Customs Board was in operation, enforcement increased, leading to a confrontation with smuggling colonists. Incidents between customs officials, military personnel and colonists broke out across the colonies, eventually leading to the occupation of Boston by British troops. This led to the Boston Massacre.

The Vice Admiralty Court Act 1768

This was the last of the five acts passed. It was not passed until 6 July 1768, a full year after the other four. Lord Charles Townshend, the Chancellor of the Exchequer, after whom the Townshend Acts were named, had died suddenly in September 1767.

Because of this, some scholars do not include the Vice-Admiralty Court Act with the other Townshend Acts, but most do since it deals with the same issues. The Act was not passed by Parliament, but by the Lords Commissioners of His Majesty's Treasury, with the approval of the King.

The Act was passed to aid the prosecution of smugglers. It gave Royal naval courts, rather than colonial courts, jurisdiction over all matters concerning customs violations and smuggling. Before the Act, customs violators could be tried in an admiralty court in Halifax,

Nova Scotia, if royal prosecutors believed they would not get a favourable outcome using a local judge and jury. The Vice-Admiralty Court Act added three new royal admiralty courts in Boston, Philadelphia and Charleston to aid in more effective prosecutions. These courts were run by judges appointed by the Crown and who were awarded 5% of any fine the judge levied when they found someone guilty. The decisions were made solely by the judge, without the option of trial by jury, which was considered to be a fundamental right of British subjects. In addition, the accused person had to travel to the court of jurisdiction at his own expense; if he did not appear, he was automatically considered guilty.

Townshend's program

Raising revenue

The first of the Townshend Acts, sometimes simply known as the Townshend Act, was the Revenue Act 1767. This act represented the Chatham ministry's new approach to generating tax revenue in the American colonies after the repeal of the Stamp Act in 1766. The British government had gotten the impression that because the colonists had objected to the Stamp Act on the grounds that it was a direct (or "internal") tax, colonists would therefore accept indirect (or "external") taxes, such as taxes on imports. With this in mind, Charles Townshend, the Chancellor of the Exchequer, devised a plan that placed new duties on paper, paint, lead, glass, and tea that were imported into the colonies. These were items that were not produced in North America and that the colonists were only allowed to buy from Great Britain.

The colonists' objection to "internal" taxes did not mean that they would accept "external" taxes; the colonial position was that any tax laid by Parliament for the purpose of raising revenue was unconstitutional. "Townshend's mistaken belief that Americans regarded internal taxes as unconstitutional and external taxes constitutional", wrote historian John Phillip Reid, "was of vital importance in the history of events leading to the Revolution." The Townshend Revenue Act received the royal assent on 29 June 1767. There was little opposition expressed in Parliament at the time. "Never could a fateful measure have had a more quiet passage", wrote historian Peter Thomas.

The Revenue Act was passed in conjunction with the Indemnity Act 1767, which was intended to make the tea of the British East India Company more competitive with smuggled Dutch tea. The Indemnity Act repealed taxes on tea imported to England, allowing it to be re-exported more cheaply to the colonies. This tax cut in England would be partially offset by the new Revenue Act taxes on tea in the colonies. The Revenue Act also reaffirmed the legality of writs of assistance, or general search warrants, which gave customs officials broad powers to search houses and businesses for smuggled goods.

The original stated purpose of the Townshend duties was to raise a revenue to help pay the cost of maintaining an army in North America. Townshend changed the purpose of the tax plan, however, and instead decided to use the revenue to pay the salaries of some colonial governors and judges. Previously, the colonial assemblies had paid these salaries, but Parliament hoped to take the "power of the purse" away from the colonies. According to historian John C. Miller, "Townshend ingeniously sought to take money from Americans by means of parliamentary taxation and to employ it against their liberties by making colonial governors and judges independent of the assemblies."

Some members of Parliament objected because Townshend's plan was expected to generate only £40,000 in yearly revenue, but he explained that once the precedent for taxing the colonists had been firmly established, the program could gradually be expanded until the colonies paid for themselves. According to historian Peter Thomas, Townshend's "aims were political rather than financial".

American Board of Customs Commissioners

To better collect the new taxes, the Commissioners of Customs Act 1767 established the American Board of Customs Commissioners, which was modeled on the British Board of Customs. The Board was created because of the difficulties the British Board faced in enforcing trade regulations in the distant colonies. Five commissioners were appointed to the board, which was headquartered in Boston. The American Customs Board would generate considerable hostility in the colonies towards the British government. According to historian Oliver Dickerson, "The actual separation of the continental colonies from the rest of the Empire dates from the creation of this independent administrative board."

The American Board of Customs Commissioners was notoriously corrupt, according to historians. Political scientist Peter Andreas argues:

- merchants resented not only the squeeze on smuggling but also the exploits by unscrupulous customs agents that came with it. Such "customs racketeering" was, in the view of colonial merchants, essentially legalized piracy.

Historian Edmund Morgan says:

- In the establishment of this American Board of Customs Commissioners, Americans saw the extension of England's corrupt system of officeholding to America. As Professor Dickerson has shown, the Commissioners were indeed corrupt. They engaged in extensive "customs racketeering" and

they were involved in many of the episodes of heightened the tension between England and the colonies: it was on their request that troops were sent to Boston; The Boston Massacre took place before their headquarters; the "Gaspee" was operating under their orders.

Historian Doug Krehbiel argues:

- Disputes brought to the board were almost exclusively resolved in favor of the British government. Vice admiralty courts claimed to prosecute vigorously smugglers but were widely corrupt—customs officials falsely accused ship owners of possessing undeclared items, thereby seizing the cargoes of entire vessels, and justices of the juryless courts were entitled to a percentage of the goods from colonial ships that they ruled unlawful. Writs of assistance and blanket search warrants to search for smuggled goods were liberally abused. John Hancock, the wealthy New England merchant, had his ship "Liberty" seized in 1768 on a false charge, incensing the colonists. Charges against Hancock were later dropped and his ship returned because of the fear that he would appeal to more scrupulous customs officials in Britain.

Another measure to enforce the trade laws was the Vice Admiralty Court Act 1768. Although often included in discussions of the Townshend Acts, this act was initiated by the Cabinet when Townshend was not present and was not passed until after his death. Before this act, there was just one

vice admiralty court in North America, located in Halifax, Nova Scotia. Established in 1764, this court proved to be too remote to serve all of the colonies, and so the 1768 Vice Admiralty Court Act created four district courts, which were located at Halifax, Boston, Philadelphia, and Charleston. One purpose of the vice admiralty courts, which did not have juries, was to help customs officials prosecute smugglers since colonial juries were reluctant to convict persons for violating unpopular trade regulations.

Townshend also faced the problem of what to do about the New York General Assembly, which had refused to comply with the Quartering Act 1765 because its members saw the act's financial provisions as levying an unconstitutional tax. The New York Restraining Act, which according to historian Robert Chaffin was "officially a part of the Townshend Acts", suspended the power of the Assembly until it complied with the Quartering Act. The Restraining Act never went into effect because, by the time it was passed, the New York Assembly had already appropriated money to cover the costs of the Quartering Act. The Assembly avoided conceding the right of Parliament to tax the colonies by making no reference to the Quartering Act when appropriating this money; they also passed a resolution stating that Parliament could not constitutionally suspend an elected legislature.

Reaction

- Townshend knew that his program would be controversial in the colonies, but he argued that, "The superiority of the mother country can at no time be better exerted than now." The Townshend

Acts did not create an instant uproar like the Stamp Act had done two years earlier, but before long, opposition to the programme had become widespread. Townshend did not live to see this reaction, having died suddenly on 4 September 1767.

The most influential colonial response to the Townshend Acts was a series of twelve essays by John Dickinson entitled "Letters from a Farmer in Pennsylvania", which began appearing in December 1767. Eloquently articulating ideas already widely accepted in the colonies, Dickinson argued that there was no difference between "internal" and "external" taxes, and that any taxes imposed on the colonies by Parliament for the sake of raising a revenue were unconstitutional. Dickinson warned colonists not to concede to the taxes just because the rates were low since this would set a dangerous precedent.

Dickinson sent a copy of his "Letters" to James Otis of Massachusetts, informing Otis that "whenever the Cause of American Freedom is to be vindicated, I look towards the Province of Massachusetts Bay". The Massachusetts House of Representatives began a campaign against the Townshend Acts by first sending a petition to King George asking for the repeal of the Revenue Act, and then sending a letter to the other colonial assemblies, asking them to join the resistance movement. Upon receipt of the Massachusetts Circular Letter, other colonies also sent petitions to the king. Virginia and Pennsylvania also sent petitions to Parliament, but the other colonies did not, believing that it might have been interpreted as an admission of Parliament's sovereignty over them. Parliament refused to consider the petitions of Virginia and Pennsylvania.

In Great Britain, Lord Hillsborough, who had recently been appointed to the newly created office of Colonial Secretary, was alarmed by the actions of the Massachusetts House. In April 1768 he sent a letter to the colonial governors in America, instructing them to dissolve the colonial assemblies if they responded to the Massachusetts Circular Letter. He also sent a letter to Massachusetts Governor Francis Bernard, instructing him to have the Massachusetts House rescind the Circular Letter. By a vote of 92 to 17, the House refused to comply, and Bernard promptly dissolved the legislature.

Boycotts

Merchants in the colonies, some of them smugglers, organized economic boycotts to put pressure on their British counterparts to work for repeal of the Townshend Acts. Boston merchants organized the first non-importation agreement, which called for merchants to suspend importation of certain British goods effective 1 January 1768. Merchants in other colonial ports, including New York City and Philadelphia, eventually joined the boycott. In Virginia, the non-importation effort was organized by George Washington and George Mason. When the Virginia House of Burgesses passed a resolution stating that Parliament had no right to tax Virginians without their consent, Governor Lord Botetourt dissolved the assembly. The members met at Raleigh Tavern and adopted a boycott agreement known as the "Association".

The non-importation movement was not as effective as promoters had hoped. British exports to the colonies declined by 38 percent in 1769, but there were many merchants who did

not participate in the boycott. The boycott movement began to fail by 1770 and came to an end in 1771.

Unrest in Boston

The newly created American Customs Board was seated in Boston, and so it was there that the Board concentrated on strictly enforcing the Townshend Acts. The acts were so unpopular in Boston that the Customs Board requested naval and military assistance. Commodore Samuel Hood complied by sending the fifty-gun warship HMS *Romney*, which arrived in Boston Harbor in May 1768.

On 10 June 1768, customs officials seized the *Liberty*, a sloop owned by leading Boston merchant John Hancock, on allegations that the ship had been involved in smuggling. Bostonians, already angry because the captain of the *Romney* had been impressing local sailors, began to riot. Customs officials fled to Castle William for protection. With John Adams serving as his lawyer, Hancock was prosecuted in a highly publicized trial by a vice-admiralty court, but the charges were eventually dropped.

Given the unstable state of affairs in Massachusetts, Hillsborough instructed Governor Bernard to try to find evidence of treason in Boston. Parliament had determined that the Treason Act 1543 was still in force, which would allow Bostonians to be transported to England to stand trial for treason. Bernard could find no one who was willing to provide reliable evidence, however, and so there were no treason trials. The possibility that American colonists might be arrested and sent to England for trial produced alarm and outrage in the

colonies. Even before the *Liberty* riot, Hillsborough had decided to send troops to Boston. On 8 June 1768, he instructed General Thomas Gage, Commander-in-Chief, North America, to send "such Force as You shall think necessary to Boston", although he conceded that this might lead to "consequences not easily foreseen". Hillsborough suggested that Gage might send one regiment to Boston, but the *Liberty* incident convinced officials that more than one regiment would be needed.

People in Massachusetts learned in September 1768 that troops were on the way. Samuel Adams organized an emergency, extralegal convention of towns and passed resolutions against the imminent occupation of Boston, but on 1 October 1768, the first of four regiments of the British Army began disembarking in Boston, and the Customs Commissioners returned to town. The "Journal of Occurrences", an anonymously written series of newspaper articles, chronicled clashes between civilians and soldiers during the military occupation of Boston, apparently with some exaggeration. Tensions rose after Christopher Seider, a Boston teenager, was killed by a customs employee on 22 February 1770. Although British soldiers were not involved in that incident, resentment against the occupation escalated in the days that followed, resulting in the killing of five civilians in the Boston Massacre of 5 March 1770. After the incident, the troops were withdrawn to Castle William.

Partial repeal

On 5 March 1770— the same day as the Boston Massacre although news traveled slowly at the time, and neither side of

the Atlantic was aware of this coincidence—Lord North, the new Prime Minister, presented a motion in the House of Commons that called for partial repeal of the Townshend Revenue Act. Although some in Parliament advocated a complete repeal of the act, North disagreed, arguing that the tea duty should be retained to assert "the right of taxing the Americans". After debate, the Repeal Act received the Royal Assent on 12 April 1770.

Historian Robert Chaffin argued that little had actually changed:

It would be inaccurate to claim that a major part of the Townshend Acts had been repealed. The revenue-producing tea levy, the American Board of Customs and, most important, the principle of making governors and magistrates independent all remained. In fact, the modification of the Townshend Duties Act was scarcely any change at all.

The Townshend duty on tea was retained when the 1773 Tea Act was passed, which allowed the East India Company to ship tea directly to the colonies. The Boston Tea Party soon followed, which set the stage for the American Revolution.

Tea Act

The **Tea Act 1773** (13 Geo 3 c 44) was an Act of the Parliament of Great Britain. The principal objective was to reduce the massive amount of tea held by the financially troubled British East India Company in its London warehouses and to help the struggling company survive. A related objective was to undercut the price of illegal tea, smuggled into Britain's North

American colonies. This was supposed to convince the colonists to purchase Company tea on which the Townshend duties were paid, thus implicitly agreeing to accept Parliament's right of taxation. Smuggled tea was a large issue for Britain and the East India company, since approximately 86% of all the tea in America at the time was smuggled Dutch tea.

The Act granted the Company the right to directly ship its tea to North America and the right to the duty-free export of tea from Britain, although the tax imposed by the Townshend Acts and collected in the colonies remained in force. It received the royal assent on May 10, 1773.

Colonists in the Thirteen Colonies recognized the implications of the Act's provisions, and a coalition of merchants, smugglers, and artisans similar to that which had opposed the Stamp Act 1765 mobilized opposition to delivery and distribution of the tea. The company's authorised consignees were harassed, and in many colonies successful efforts were made to prevent the tea from being landed. In Boston, this resistance culminated in the Boston Tea Party on December 16, 1773, when colonists (some disguised as Native Americans, since they identified themselves as "Americans" and no longer considered themselves British subjects) boarded tea ships anchored in the harbour and dumped their tea cargo overboard. Parliamentary reaction to this event included passage of the Coercive Acts, designed to punish Massachusetts for its resistance, and the appointment of General Thomas Gage as royal governor of Massachusetts. These actions further raised tensions that led to the eruption of the American War of Independence in April 1775.

Parliament passed the Taxation of Colonies Act 1778, which repealed a number of taxes (including the tea tax that underlay this act) as one of a number of conciliatory proposals presented to the Second Continental Congress by the Carlisle Peace Commission. The commission's proposals were rejected. The Act effectively became a "dead letter", but was not formally removed from the books until passage of the Statute Law Revision Act 1861.

Background

- In the 1760s and early 1770s, the East India Company had been required to sell its tea exclusively in London on which it paid a duty which averaged two shillings and six pence per pound. Tea destined for the North American colonies would be purchased by merchants specializing in that trade, who transported it to North America for eventual retail sale. The markups imposed by these merchants, combined with tea tax imposed by the Townshend Acts of 1767 created a profitable opportunity for American merchants to import and distribute tea purchased from the Dutch in transactions and shipments that violated the Navigation Acts and were treated by British authorities as smuggling. Smugglers imported some 900,000 pounds (410,000 kg) of cheap foreign tea per year. The quality of the smuggled tea did not match the quality of the dutiable East India Company tea, of which the Americans bought 562,000 pounds (255,000 kg) per year. Although the British tea was more appealing in

flavor, some Patriots like the Sons of Liberty encouraged the consumption of smuggled tea as a political protest against the Townshend taxes.

In 1770 most of the Townshend taxes were repealed, but taxes on tea were retained. Resistance to this tax included pressure to avoid legally imported tea, leading to a drop in colonial demand for the Company's tea, and a burgeoning surplus of the tea in the company's English warehouses. By 1773 the Company was close to collapse due in part to contractual payments to the British government of £400,000 per year, together with war and a severe famine in Bengal which drastically reduced the Company's revenue from India, and economic weakness in European markets. Benjamin Franklin was one of several people who suggested things would be greatly improved if the Company were allowed to export its tea directly to the colonies without paying the taxes it was paying in London: "to export such tea to any of the British colonies or plantations in America, or to foreign parts, import duty of three pence a pound."

The administration of Lord North saw an opportunity to achieve several goals with a single bill. If the Company was permitted to directly ship tea to the colonies, this would remove the markups of the middlemen from the cost of its tea. Reducing or eliminating the duties paid when the tea was landed in Britain (if it was shipped onward to the colonies) would further lower the final cost of tea in the colonies, undercutting the prices charged for smuggled tea. Colonists would willingly pay for cheaper Company tea, on which the Townshend tax was still collected, thus legitimizing Parliament's ability to tax the colonies.

Provisions of the Act

The Act, which received the royal assent on May 10, 1773, contained the following provisions:

- The Company was eligible to be granted license to export tea to North America.
- The Company was no longer required to sell its tea at the London Tea Auction.
- Duties on tea (charged in Britain) destined for North America "and foreign parts" would either be refunded on export or not imposed.
- Consignees receiving the Company's tea were required to pay a deposit upon receipt of tea.

Proposals were made that the Townshend tax also be waived, but North opposed this idea, citing the fact that those revenues were used to pay the salaries of crown officials in the colonies.

Implementation

The Company was granted license by the North administration to ship tea to major American ports, including Charleston, Philadelphia, New York City, and Boston. Consignees who were to receive the tea and arrange for its local resale were generally favorites of the local governor (who was royally appointed in South Carolina, New York, and Massachusetts, and appointed by the proprietors in Pennsylvania). In Massachusetts, Governor Thomas Hutchinson was a part-owner of the business hired by the Company to receive tea shipped to Boston.

Reaction

Many colonists opposed the Act, not so much because it rescued the East India Company, but more because it seemed to validate the Townshend Tax on tea. Merchants who had been acting as the middlemen in legally importing tea stood to lose their business, as did those whose illegal Dutch trade would be undercut by the Company's lowered prices. These interests combined forces, citing the taxes and the Company's monopoly status as reasons to oppose the Act.

In New York and Philadelphia, opposition to the Act resulted in the return of tea delivered there back to Britain. In Charleston, the colonists left the tea on the docks to rot. Governor Hutchinson in Boston was determined to leave the ships in port, even though vigilant colonists refused to allow the tea to be landed. Matters reached a crisis when the time period for landing the tea and paying the Townshend taxes was set to expire, and on December 16, 1773, colonists disguised as Indians swarmed aboard three tea-laden ships and dumped their cargo into the harbour in what is now known as the Boston Tea Party. Similar "Destruction of the Tea" (as it was called at the time) occurred in New York and other ports shortly thereafter, though Boston took the brunt of Imperial retaliation, because it was the first "culprit".

Consequences

The Boston Tea Party appalled British political opinion makers of all stripes. The action united all parties in Britain against the American radicals. Parliament enacted the Boston Port Act,

which closed Boston Harbor until the dumped tea was paid for. This was the first of the so-called Coercive Acts, or Intolerable Acts as they were called by the colonists, passed by Parliament in response to the Boston Tea Party. These harsh measures united many colonists even more in their frustrations against Britain, and were one of the many causes of the American Revolutionary War.

The Taxation of Colonies Act 1778 repealed the tea tax and others that had been imposed on the colonies, but it proved insufficient to end the war. The Tea Act became a "dead letter" as far as the Thirteen Colonies were concerned, and was formally removed from the books in 1861.

Chapter 18

Quebec, Intolerable Acts and Conciliatory Resolution

Quebec Act

The **Quebec Act 1774** (French: *Acte de Québec*), formally known as the **British North America (Quebec) Act 1774**, was an act of the Parliament of Great Britain (citation 14 Geo. III c. 83) setting procedures of governance in the Province of Quebec. The act's principal components were:

- The province's territory was expanded to take over part of the Indian Reserve, including much of what is now southern Ontario, Illinois, Indiana, Michigan, Ohio, Wisconsin, and parts of Minnesota.
- Reference to the Protestant faith was removed from the oath of allegiance.
- It guaranteed free practice of the Catholic faith.
- It restored the use of the French civil law for matters of private law, except that, in accordance with the English common law, it granted unlimited freedom of testation. It maintained English common law for matters of public law, including administrative appeals, court procedure, and criminal prosecution.
- It restored the Catholic Church's power to impose tithes.

The act had wide-ranging effects, both in Quebec itself as well as in the Thirteen Colonies. In Quebec, English-speaking immigrants from the Thirteen Colonies objected to a variety of its provisions, which they saw as a removal of certain political freedoms. Canadiens varied in their reaction; the land-owning seigneurs and ecclesiastics for example were generally happy with its provisions.

In the Thirteen Colonies, the Quebec Act had been passed in the same session of Parliament as a number of other acts designed as punishment for the Boston Tea Party and other protests, which the American Patriots collectively termed the "Intolerable" or (in England, officially) the "Coercive Acts". The provisions of the Quebec Act were seen by the colonists as a new model for administration in the colonies, which would strip them of their self-elected assemblies. It appeared to void some of the colonies' land claims by granting most of the Ohio Country to the province of Quebec. The Americans also interpreted the act as an "establishment" of Catholicism in the colony. Many Americans had participated in the French and Indian War, and they now saw the religious freedoms and land given to their former enemy as an affront.

Background

After the Seven Years' War (1756–1763), victorious Great Britain and defeated France formalized the peace with the 1763 Treaty of Paris. Under the terms of the treaty, the Kingdom of France ceded New France to Britain, choosing instead to keep the islands of Guadeloupe and Martinique for their valuable sugar production. Canada (New France) was considered less valuable, as its only significant commercial product at the time

was beaver pelts. The territory along the St. Lawrence River, called *Canada* by the French, was renamed *Quebec* by the British, after its capital city. Non-military administration of the territories acquired by the British in the war was defined in the Royal Proclamation of 1763. Under the terms of the peace treaty, Canadiens who chose not to leave became British subjects. In order for them to serve in public offices, they were required to swear an oath to the King that contained specific provisions rejecting the Catholic faith. Given that many of the predominantly Roman Catholic Canadiens were unwilling to take such an oath, this effectively prevented large numbers of Canadiens from participating in the local governments. With unrest (which would one day grow into the American Revolution) increasing in the colonies to the south, the British were worried that the Canadiens might also support the growing rebellion. At that time, Canadiens formed the vast majority of the settler population of the province of *Quebec* (more than 99%) and there was little immigration from Great Britain. To secure the allegiance of the approximately 90,000 Canadiens to the British crown, first Governor James Murray and later Governor Guy Carleton promoted the need for change. There was also a need to compromise between the conflicting demands of the Canadian subjects and those of newly arrived British subjects. These efforts by the colonial governors eventually resulted in the enactment of the *Quebec Act* of 1774.

Effects on the Province of Quebec

- **Territory:** The boundaries of the province were defined by the act. In addition to the territory

defined by the Royal Proclamation, the borders were expanded to include land that is now southern Ontario, Illinois, Indiana, Michigan, Ohio, Wisconsin and parts of Minnesota. This increased the size of the province threefold, restoring the territory of the French province of Canada.

- **Religion:** The Act allowed public office holders to practice the Roman Catholic faith, by replacing the oath sworn by officials from one sworn to Elizabeth I and her heirs, with one sworn to George III that had no reference to the Protestant faith. This enabled, for the first time, Canadiens to legally participate in the affairs of the provincial government without formally renouncing their faith. It also reestablished the collection of tithes, which had been stopped under the previous administrative rules, and allowed Jesuit priests to return to the province.
- **Structure of government:** The act defined the structure of the provincial government. The governor was to be appointed by the Crown, and he was to govern with the assistance of a legislative council; there were no provisions for an elected legislative assembly.
- **Law:** While the case of *Campbell v. Hall* effectively preserved French law despite the provisions in the Royal Proclamation of 1763, the Act provided for its ouster in favour of English law in matters of public law, criminal law and freedom of testation.
- **Land use:** The seigneurial system as a means of distributing land and managing its use was restored. This was the system by which the French had

administered the province; the British had instituted a township system of land management in 1763.

Participation of the Canadiens

The internal communications of the British colonial government at Quebec suggest a relative failure of the purpose of the Quebec Act. On 4 February 1775, Governor Guy Carleton wrote to General Thomas Gage that he believed the Canadiens to be generally happy with the act, yet he also added:

... I must not however conceal from Your Excellency, that the Gentry, well disposed, and heartily desirous as they are, to serve the Crown, and to serve it with Zeal, when formed into regular Corps, do not relish commanding a bare Militia, they never were used to that Service under the French Government, (and perhaps for good Reasons) besides the sudden Dismission of the Canadian Regiment raised in 1764, without Gratuity or Recompence to Officers, who engaged in our Service almost immediately after the Cession of the Country, of taking any Notice of them since, tho' they all expected half pay, is still uppermost in their Thoughts, and not likely to encourage their engaging a second Time in the same Way; as to the Habitants or Peasantry, ever since the Civil Authority has been introduced into the Province, the Government of it has hung so loose, and retained so little Power, they have in a Manner emancipated themselves, and it will require Time, and discreet Management likewise, to recall them to their ancient Habits of Obedience and Discipline;

considering all the new Ideas they have been acquiring for these ten years past, can it be thought they will be pleased at being suddenly, and without Preparation embodied into a Militia, and marched from their Families, Lands, and Habitations to remote Provinces, and all the Horrors of War, which they have already experienced; It would give appearance of Truth to the Language of our Sons of Sedition, at this very Moment busily employed instilling into their Minds, that the Act was passed merely to serve the present Purposes of Government, and in the full Intention of ruling over them with all the Despotism of their ancient Masters.

On June 7, after having received word of the Battles of Lexington and Concord, as well as the capture of Fort Ticonderoga and Benedict Arnold's subsequent raid on Fort Saint-Jean, he wrote to Colonial Secretary Dartmouth:

The little Force we have in the Province was immediately set in Motion, and ordered to assemble at or near St. John's; The Noblesse of this Neighbourhood were called upon to collect their Inhabitants, in order to defend themselves, the Savages of those Parts likewise had the same orders; but tho' the Gentlemen testified great Zeal, neither their Entreaties or their Example could prevail upon the People; a few of the Gentry, consisting principally of the Youth, residing in this Place, and its Neighbourhood, formed a small Corps of Volunteers under the Command of Mr. Samuel Mackay, and took Post at St. John's; the Indians

shewed as much Backwardness as the Canadian Peasantry. ...

Less than a month later, on 28 June 1775, Chief Justice William Hey wrote to the Lord Chancellor from Quebec:

... What will be your Lordships astonishment when I tell you that an act passed for the express purpose of gratifying the Canadians & which was supposed to comprehend all that they either wished or wanted is become the first object of their discontent & dislike. English officers to command them in time of war, & English Laws to govern them in time of Peace, is the general wish. The former they know to be impossible (at least at present) & by the latter if I understand them right, they mean no Laws & no Government whatsoever – in the mean time it may be truly said that Gen. Carleton had taken an ill measure of the influence of the seigneurs & Clergy over the lower order of people whose Principle of conduct founded in fear & the sharpness of authority over them now no longer exercised, is unrestrained, & breaks out in every shape of contempt or detestation of those whom they used to behold with terror & who gave them I believe too many occasions to express it. And they on their parts have been and are too much elated with the advantages they supposed they should derive from the restoration of their old Privileges & customs, & indulged themselves in a way of thinking & talking that gave very just offence, as well to their own People as to the English merchants.

On 21 September 1775, Lieutenant-Governor Cramahé, who governed at Quebec while Carleton was in Montreal, wrote to Dartmouth on the failure to rally the people after word arrived of the impending invasion from the colonies to the south:

My Lord !

I am sorry to transmit to Your Lordship the disagreeable account of a disagreeable Business, some time in the Beginning of this Month, upon news of the Rebel Army approaching, General Carleton set out for Montreal in great Haste; the 7th instant the Rebels landed in the Woods near St. John's, and beat back to their Boats by a Party of Savages incamped at that Place; in this Action the Savages behaved with great Spirit and Resolution, and had they remained firm to our Interests, probably the Province would have been safe for this Year, but finding the Canadians in General averse to the taking up Arms for the Defence of their Country, they withdrew, and made their Peace.

After their Defeat the Rebels retired to the Isle aux Noix, where they continued till lately, sending out some Parties, and many Emissaries, to debauch the Minds of the Canadians and Indians, in which they have proved too successful, and for which they were too well prepared by the Cabals and Intrigues of these two last years; We knew of their being reinforced, and very considerably, I suppose, as they appeared in Numbers near St. John's last Sunday Evening; where or when they landed, or the Particulars since, we have but very imperfect Accounts of, all Communications with the Forts of St. John's and Chambli, being, as far as I can find, entirely cut off.

No Means have been left untried to bring the Canadian Peasantry to a Sense of their Duty, and engage them to take up arms in Defence of the Province, but all to no Purpose. The Justice must be done to the Gentry, Clergy, and most of the Bourgeoisie, that they have shewen the greatest Zeal and Fidelity to the King's Service, and exerted their best endeavours to reclaim their infatuated Countrymen; ...

Effect on the Thirteen Colonies

The Quebec Act angered the Americans and was termed one of the Intolerable Acts by the Patriots, and contributed to the coming of the American Revolution.

Frontiersmen from Virginia and other colonies were already entering that area. Land development companies such as the Ohio Company had already been formed to acquire ownership of large tracts and sell land to settlers and trade with the Indians. Americans denounced the act for promoting the growth of "Papism" (Catholicism) and cutting back on their freedom and traditional rights. In particular, the colonial governments of New York, Pennsylvania and Virginia were angered by the unilateral assignment of the Ohio lands to Quebec, which had each been granted them in their royal charters.

Langston (2005) looked at press reaction in New England. Some colonial editors explained their views on how it reorganized Canadian governance, explaining how they felt it established direct rule by the Crown and limiting the reach of English law to criminal jurisprudence. Isaiah Thomas of the *Massachusetts Spy* drew links between the *Quebec Act* and

legislation circumscribing American liberties, such as the *Tea Act* and the Coercive Acts. Editors shaped public opinion by writing editorials and reprinting opposition letters from both sides of the Atlantic.

The First Continental Congress, which met from 5 September to 26 October 1774, addressed the inhabitants of Quebec, warning them of the perils of the supposedly arbitrary and tyrannical nature of Parliament.

The Quebec Act's main significance in the Thirteen Colonies was that it angered the Patriots, and dismayed the Loyalists who supported the Crown, and helped to accelerate the confrontation that became the American Revolution (Miller 1943). The act is listed as one of the rebels' 27 colonial grievances in the Declaration of Independence as one of the "Acts of pretended Legislation ...

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies.

The First Continental Congress petitioned Parliament to repeal the Intolerable Acts, which Parliament declined to do. Instead, in February 1775 Parliament passed the Conciliatory Resolution in an attempt to curry favor with the angry colonists. This was too little, too late, as the war broke out before news of its passage could reach the colonies. Although the Continental Congress did eventually receive this proposal, they ultimately rejected it.

Intolerable Acts

The **Intolerable Acts** (passed/Royal assent March 31 – 22 June 1774) were punitive laws passed by the British Parliament in 1774 after the Boston Tea Party. The laws were meant to punish the Massachusetts colonists for their defiance in the Tea Party protest in reaction to changes in taxation by the British Government. In Great Britain, these laws were referred to as the **Coercive Acts**.

The acts took away self-governance and rights that Massachusetts had enjoyed since its founding, triggering outrage and indignation in the Thirteen Colonies. They were key developments in the outbreak of the American Revolutionary War in April 1775.

Four of the acts were issued in direct response to the Boston Tea Party of December 16, 1773. The British Parliament hoped these punitive measures would, by making an example of Massachusetts, reverse the trend of colonial resistance to parliamentary authority that had begun with the 1764 Sugar Act. A fifth act, the Quebec Act, enlarged the boundaries of what was then the Province of Quebec notably Southwest into the Ohio Country and other future mid-western states, and instituted reforms generally favorable to the French Catholic inhabitants of the region. Although unrelated to the other four Acts, it was passed in the same legislative session and seen by the colonists as one of the Intolerable Acts. The Patriots viewed the acts as an arbitrary violation of the rights of Massachusetts, and in September 1774 they organized the First Continental Congress to coordinate a protest. As tensions

escalated, the American Revolutionary War broke out in April 1775, leading in July 1776 to the declaration of an independent United States of America.

Background

Relations between the Thirteen Colonies and the British Parliament slowly but steadily worsened after the end of the Seven Years' War (French and Indian War) in 1763. The war had plunged the British government deep into debt, and so the British Parliament enacted a series of measures to increase tax revenue from the colonies.

Parliament believed that these acts, such as the Stamp Act of 1765 and the Townshend Acts of 1767, were legitimate means of having the colonies pay their fair share of the costs of maintaining the British Empire. Although protests led to the repeal of the Stamp and Townshend Acts, Parliament adhered to the position that it had the right to legislate for the colonies "in all cases whatsoever" in the Declaratory Act of 1766.

Many colonists argued that under the unwritten British constitution, a British subject's property could not be taken from him (in the form of taxes) without his consent (in the form of representation in government).

Therefore, because the colonies were not directly represented in Parliament, it followed that Parliament had no right to levy taxes upon them, a view expressed by the slogan "No taxation without representation". After the Townshend Acts, some colonial essayists took this line of thinking even further, and began to question whether Parliament had any legitimate

jurisdiction in the colonies at all. This question of the extent of Parliament's sovereignty in the colonies was the issue underlying what became the American Revolution.

Passage

On December 16, 1773, a group of Patriot colonists associated with the Sons of Liberty destroyed 342 chests of tea in Boston, Massachusetts, an act that came to be known as the Boston Tea Party.

The colonists partook in this action because Parliament had passed the Tea Act, which granted the British East India Company a monopoly on tea sales in the colonies, thereby saving the company from bankruptcy. This made British tea less expensive.

In addition, there was added a small tax. This angered the colonists. News of the Boston Tea Party reached England in January 1774. Parliament responded by passing four laws. Three of the laws were intended to directly punish Massachusetts. This was for the destruction of private property, to restore British authority in Massachusetts, and to otherwise reform colonial government in America.

On April 22, 1774, Prime Minister Lord North defended the programme in the House of Commons, saying:

The Americans have tarred and feathered your subjects, plundered your merchants, burnt your ships, denied all obedience to your laws and authority; yet so clement and so long forbearing has

our conduct been that it is incumbent on us now to take a different course. Whatever may be the consequences, we must risk something; if we do not, all is over.

The Acts

The Boston Port Act was the first of the laws passed in 1774 in response to the Boston Tea Party. It closed the port of Boston until the colonists paid for the destroyed tea and the king was satisfied that order had been restored. Colonists objected that the Port Act punished all of Boston rather than just the individuals who had destroyed the tea, and that they were being punished without having been given an opportunity to testify in their own defense.

The Massachusetts Government Act provoked even more outrage than the Port Act because it unilaterally took away Massachusetts' charter and brought it under control of the British government.

Under the terms of the Government Act, almost all positions in the colonial government were to be appointed by the governor, Parliament, or king. The act also severely limited town meetings in Massachusetts to one per year, unless the Governor called for one. Colonists outside Massachusetts feared that their governments could now also be changed by the legislative fiat of Parliament.

The Administration of Justice Act allowed the Royal governor to order trials of accused royal officials to take place in Great Britain or elsewhere within the Empire if he decided that the

defendant could not get a fair trial in Massachusetts. Although the act stipulated for witnesses to be reimbursed after having traveled at their own expense across the Atlantic, it was not stipulated that this would include reimbursement for lost earnings during the period for which they would be unable to work, leaving few with the ability to testify. George Washington called this the "Murder Act" because he believed that it allowed British officials to harass Americans and then escape justice. Many colonists believed the act was unnecessary because British soldiers had been given a fair trial following the Boston Massacre in 1770.

The Quartering Act applied to all of the colonies, and sought to create a more effective method of housing British troops in America. In a previous act, the colonies had been required to provide housing for soldiers, but colonial legislatures had been uncooperative in doing so.

The new Quartering Act allowed a governor to house soldiers in other buildings if suitable quarters were not provided. While many sources claim that the Quartering Act allowed troops to be billeted in occupied private homes, historian David Ammerman's 1974 study claimed that this is a myth, and that the act only permitted troops to be quartered in unoccupied buildings.

Although unrelated to the aforementioned Acts, the Quebec Act, passed in the same Parliamentary session, was considered by the colonists to be one of the Intolerable Acts. The Act expanded the territory of the Province of Quebec into much of what is now the American Midwest, which appeared to void the land claims of the Ohio Company on the region. The guarantee

of free practice of Catholicism, the majority religion in Canada, was seen by colonists as an "establishment" of the faith in the colonies which were overwhelmingly Protestant. Furthermore, colonists resented the lenient provisions granted to their erstwhile enemies who they had fought hard against during the French and Indian War.

Effects

Many colonists saw the Coercive Acts (Intolerable Acts) as a violation of their constitutional rights, their natural rights, and their colonial charters. They, therefore, viewed the acts as a threat to the liberties of all of British America, not just Massachusetts. Richard Henry Lee of Virginia, for example, described the acts as "a most wicked System for destroying the liberty of America".

The citizens of Boston not only viewed this as an act of unnecessary and cruel punishment, but the Coercive Acts drew hatred toward Britain even further. As a result of the Intolerable Acts, even more colonists turned against British rule.

Great Britain hoped that the Intolerable Acts would isolate radicals in Massachusetts and cause American colonists to concede the authority of Parliament over their elected assemblies. It was a calculated risk that backfired, due to the harshness of some of the acts having made it difficult for moderates in the colonies to speak in favor of Parliament.

The acts promoted sympathy for Massachusetts and encouraged colonists from the otherwise diverse colonies to

form committees of correspondence which sent delegates to the First Continental Congress. The Continental Congress created the Continental Association, an agreement to boycott British goods. Additionally, it was decided that if the Coercive Acts were not reversed after a year, goods were to stop being exported to Great Britain as well. The Congress also pledged to support Massachusetts in case of attack, which meant that all of the colonies would become involved when the American Revolutionary War began at Lexington and Concord.

Conciliatory Resolution

The **Conciliatory Resolution** was a resolution passed by the British Parliament in an attempt to reach a peaceful settlement with the Thirteen Colonies immediately prior to the outbreak of the American Revolutionary War.

In January 1775, Parliament considered petitions from the colonies in relation to the Coercive Acts, including a petition to the king from the First Continental Congress, and discussed ways to resolve the crisis with the Thirteen Colonies. A proposal by William Pitt to recognize colonial self-government was rejected by the House of Lords. Pitt then moved for the withdrawal of troops from Boston, but that motion was defeated. In February, Pitt presented a plan of conciliation based upon mutual concessions, but this was also rejected. On February 2, despite fierce opposition from some members of Parliament, Massachusetts was declared to be in rebellion. Lord North took the unexpected (for him, that is) role of conciliator for the drafting of a conciliatory resolution which was proposed on February 20, 1775 and dated on February 27.

The Conciliatory Resolution declared that any colony that contributed to the common defense and provided support for the civil government and the administration of justice (ostensibly against any anti-Crown rebellion) would be relieved of paying taxes or duties except those necessary for the regulation of commerce.

The resolution was addressed and sent to the individual colonies, and intentionally ignored the extralegal Continental Congress. By doing this, Lord North hoped to divide the colonists amongst themselves and thus weaken any revolution/independence movements (especially those represented by the Continental Congress). The resolution proved to be "too little, too late," and the American Revolutionary War began at Lexington on April 19, 1775.

The Continental Congress representing the thirteen colonies rejected the proposal as an infringement on their exclusive right to raise revenue. In contrast, the loyal colony of Nova Scotia accepted it. Nova Scotia suggested raising the revenue by imposing a duty on foreign imports, this was granted by Parliament which then repealed all other taxes (except those related to commerce) on Nova Scotia.

Full text of the Resolution

- *Resolved*, That it is the opinion of this Committee, that when the Governour, Council, and Assembly, or General Court, of any of his Majesty's Provinces or Colonies in America, shall propose to make provision, according to the condition, circumstances, and situation of such Province or Colony, for

contributing their proportion to the common defence, (such proportion to be raised under the authority of the General Court, or General Assembly of such Province or Colony, and disposable by Parliament,) and shall engage to make provision also for the support of the Civil Government, and the Administration of Justice, in such Province or Colony, it will be proper if such proposal shall be approved by his Majesty and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such Province or Colony, to levy any Duty, Tax, or Assessment, or to impose any farther Duty, Tax, or Assessment, except only such Duties as it may be expedient to continue to levy or to impose for the regulation of commerce; the nett produce of the duties last mentioned to be carried to the account of such Province or Colony respectively.

Receipt and rejection by Congress

- The Continental Congress did eventually receive the Conciliatory Resolution in the form of a communication from the assembly of New Jersey on May 26, 1775, and, perhaps for a number of reasons (not limited to the early successes of the Revolution), released a report (written by Benjamin Franklin, Thomas Jefferson, John Adams, and Richard Henry Lee in committee after they had finished with other papers including the declaration of causes, which explains the delay between the receipt of the

Resolution and the release of the report on it), dated July 31, 1775, rejecting it:

- *The Congress took the said resolution into consideration, and are, thereupon, of opinion, That colonies of America are entitled to the sole and exclusive privilege of giving and granting their own money....To propose, therefore, as this resolution does, that the monies given by the colonies shall be subject to the disposal of parliament alone, is to, propose that they shall relinquish this right of enquiry, and put it in the power of others to render their gifts ruinous, in proportion as they are liberal....The proposition seems also to have been calculated more particularly to lull into fatal security, our well-affected fellow-subjects on the other side the water, till time should be given for the operation of those arms, which a British minister pronounced would instantaneously reduce the "cowardly" sons of America to unreserved submission. But, when the world reflects, how inadequate to justice are these vaunted terms; when it attends to the rapid and bold succession of injuries, which, during the course of eleven years, have been aimed at these colonies; when it reviews the pacific and respectful expostulations, which, during that whole time, were the sole arms we opposed to them; when it observes that our complaints were either not heard at all, or were answered with new and accumulated injuries; when it recollects that the minister himself, on an early occasion, declared, "that he would never treat with America, till he had brought her to his feet," and that an avowed partisan of ministry has more lately denounced against us the dreadful sentence, "delenda*

est Carthago;" that this was done in presence of a British Senate and being unproved by them, must be taken to be their own sentiment, (especially as the purpose has already in part been carried into execution, by their treatment of Boston and burning of Charlestown;) when it considers the great armaments with which they have invaded us, and the circumstances of cruelty with which these have commenced and prosecuted hostilities; when these things, we say, are laid together and attentively considered, can the world be deceived into an opinion that we are unreasonable, or can it hesitate to believe with us, that nothing but our own exertions may defeat the ministerial sentence of death or abject submission.

Chapter 19

Restraining Acts 1775, Proclamation of Rebellion and Prohibitory Act

Restraining Acts 1775

The Restraining Acts of early 1775 were two Acts passed by the Parliament of Great Britain, which limited colonial trade in response to both increasing and spreading civil disobedience in Massachusetts and New England, and similar trade restrictions instituted by elected colonial representatives. With time the foment would spread to most of its American Colonies. The first restraining act, (15 Geo. III c. 10) known variously as the New England Trade And Fisheries Act, the New England Restraining Act, or the Trade Act 1775 (c.10), limited the export and import of any goods to and from only Great Britain, Ireland, and the British West Indies; it also prohibited the New England colonies from fishing in the waters off Newfoundland and most of America's Atlantic coast, without special permissions and documentation, and imposed stiff penalties on both perpetrators and administrators if violations occurred. Previously legal or finessed trade between the colonies themselves or with other nations was prohibited, and enforced by naval blockade, effective July 1, 1775. The second restraining act, (15 Geo. III c. 18) known as the **Trade Act 1775** (c.18), similarly limited the export or import of any goods by way of only Great Britain, Ireland, and the British West

Indies for most colonies south of New England; it was passed shortly after the first, upon receiving news in April that the colonial's trade boycott had spread widely among other colonies. Only New York, Delaware, North Carolina and Georgia would escape these restraints on trade, but only for a few months.

The Restraining Acts were passed one year after the first of the Intolerable Acts had been imposed to show the potential of tighter British sovereignty over Boston, Massachusetts, and threatened the same treatment in other colonies generally. Instead of quieting the populace, these coercive laws had been met with increasing resistance and rising resentment among the colonials. Over this same period the colonies established independent communications, and the First Continental Congress established the colonial's boycott to restrain the import of British goods then the export of colonial products, which caused disruption in British trade and revenues and shortages in the colonies themselves. Additionally, the colonies had established alternative legislatures in defiance of established ones under direct imperial control. The growing defiance caused a mutual scramble for munitions and treasonous acts to obtain them, indicating that more violence was on the horizon. News arriving about the first restraining act, and related actions of the Massachusetts military governor would lead directly to the first military confrontation in the American Revolutionary War.

With fighting started, any possible reconciliation became moot, and the King would issue his Royal Proclamation of Rebellion in August. In December 1775 Parliament passed the Prohibitory Act prohibiting any trade with all the colonies, and

enforcing it with a tighter blockade and more severe penalties; it was a declaration of economic war, with inbound or outbound ships, mariners and cargoes treated as if they "were the ships and effects of open enemies ... [to be] so adjudged, deemed, and taken, in all courts." With this drastic change in British tactics, effective January 1, 1776, the two Restraining Acts as well as the Boston Port Act were repealed, "whereas the prohibitions and restraints imposed by the said acts will be rendered unnecessary by the provisions of this act."

Rebellion proclaimed

The province of Massachusetts Bay was in a state of crisis following the passage of the Coercive Acts in 1774. When colonists formed the extra-legal Massachusetts Provincial Congress and began organizing militia units independent of British control, Parliament responded on February 9, 1775, by declaring that Massachusetts was in a state of rebellion.

The joint resolution of Parliament read, in part:

[W]e find, that a part of your Majesty's subjects in the province of the Massachusetts Bay have proceeded so far to resist the authority of the supreme legislature, that a rebellion at this time actually exists within the said province; and we see, with the utmost concern, that they have been countenanced and encouraged by unlawful combinations and engagements, entered into by your Majesty's subjects in several of the other colonies, to the injury and oppression of many of their innocent

fellow-subjects resident within the kingdom of Great Britain, and the rest of your Majesty's dominions

One of the Coercive Acts, the Boston Port Act, had cut off Boston's trade; this blockade was now extended to all of Massachusetts.

New England Restraining Act

The North ministry next turned its attention to New England generally. The New England Restraining Act (short title: New England Trade And Fisheries Act, 15 Geo. III c. 10) was the ministry's response to the American colonies' decision to boycott British goods, as embodied in the Continental Association of 1774. It was given royal assent by George III on March 30, 1775.

The Act provided that New England's trade be limited to Britain and the British West Indies (trade with other nations was prohibited, effective July 1, 1775). Moreover, New England ships were barred from the North Atlantic fisheries (a measure that pleased British Canadians, but threatened considerable harm to New England's economy), effective July 20, 1775.

Restraining Act extended

In April 1775, after news was received in London that colonies outside of New England had joined the Continental Association, a second restraining Act was passed to include the colonies of Pennsylvania, New Jersey, Virginia, Maryland and South Carolina. New York, Delaware, North Carolina, and

Georgia were not included because the North ministry mistakenly believed that those colonies were opposed to the colonial boycott.

Proclamation of Rebellion

The Proclamation of Rebellion, officially titled A Proclamation for Suppressing Rebellion and Sedition, was the response of George III to the news of the Battle of Bunker Hill at the outset of the American Revolution. Issued on 23 August 1775, it declared elements of the American colonies in a state of "open and avowed rebellion". It ordered officials of the empire "to use their utmost endeavours to withstand and suppress such rebellion". The 1775 proclamation of rebellion also encouraged subjects throughout the empire, including those in Britain, to report anyone carrying on "traitorous correspondence" with the rebels to be punished.

Implementation

The Proclamation of Rebellion was drafted before Colonial Secretary Lord Dartmouth had been given a copy of the Second Continental Congress's Olive Branch Petition. Because King George III refused to receive the colonial petition, the Proclamation of Rebellion of 23 August 1775 effectively served as an answer to it.

On 27 October, North's Cabinet expanded on the proclamation in the Speech from the Throne read by King George III at the opening of Parliament. The King's speech insisted that rebellion was being fomented by a "desperate conspiracy" of

leaders whose claims of allegiance to the King were insincere; what the rebels really wanted, he said, was to create an "independent empire". The speech indicated that King George intended to deal with the crisis with armed force and was even considering "friendly offers of foreign assistance" to suppress the rebellion without pitting Briton against Briton. A pro-American minority of members within Parliament at the time warned the government was driving the colonists towards independence, something many colonial leaders insisted they did not desire.

American response

On 6 December 1775, the Continental Congress issued a response to the Proclamation of Rebellion saying that, while they had always been loyal to the King, Parliament never had legitimate claim to authority over them, because the colonies were not democratically represented. Congress argued it was their duty to continue resisting Parliament's violations of the British Constitution, and that they would retaliate if any supporters in Great Britain were punished for "favouring, aiding, or abetting the cause of American liberty". America still hoped to avoid the "calamities" of a "civil war". The King's proclamation and the speech from the throne undermined moderates in Congress like John Dickinson, who had been arguing the King would find a way to resolve the dispute between colonies and Parliament. When it became clear George III was not inclined to act as a conciliator, attachment to empire was weakened, and a movement towards independence became a reality, culminating in America's Declaration of Independence on the 4th of July 1776.

Revocation

King George III addressed the opening session of Parliament on 5 December 1782 in a Speech from the Throne. It was his first address since the resignation of Lord North as his wartime Prime Minister, which was delivered in the last session at Parliament's resolution to end offensive war in North America. In the intervening time the King assured his Lords and Gentlemen that he had lost no time ordering the end of "the further prosecution of offensive war upon the continent of North America". After considering his option to renounce the British crown and retire to his German estates as Prince of Brunswick in the Holy Roman Empire, George III reassured Parliament that he would follow the wishes of "my Parliament and my people" as he had promised at his coronation Speech from the Throne. George III then reported to the joint session that he had offered the US Congress his declaration of the rebelling North American colonies as "free and independent states" in the final treaty of peace. The King gave notice to Parliament that had been agreed upon, as well as other preliminary terms. His closing remark on American independence was, "Religion, language, interest, affections may, and I hope will, yet prove a bond of permanent union between the two countries. To this end, neither attention nor disposition shall be wanting on my part."

Prohibitory Act

The **Prohibitory Act** was British legislation in late 1775 that cut off all trade between the Thirteen Colonies and England and removed the colonies from the King's protection. In

essence, it was a declaration of economic warfare by Britain as punishment to the American colonies for the rebellion against the King and British rule that became known as the American Revolutionary War. The Prohibitory Act references two acts passed by the last session of Parliament that were known as the Restraining Acts 1775. It was referenced as one of the 27 colonial grievances of the American Declaration of Independence.

Background

In October 1775, the Parliament of Great Britain, under Lord North, First Lord of the Treasury, decided that sterner measures would be taken to subdue the rebellion now underway in the 13 North American colonies. To that end, they decreed a blockade against the trade of the 13 colonists by passing the Prohibitory Act. "All manner of trade and commerce" would be prohibited, and any ship that was found trading "shall be forfeited to his Majesty, as if the same were the ships and effects of open enemies."

The goal was to destroy the American economy by prohibiting trade with any country. The Act, being a virtual declaration of war, furnished the colonists with an excuse for throwing off all allegiance to the king. John Adams regarded the Act as the straw that broke the camel's back.

Aftermath

The Prohibitory Act served as an effective declaration of war by Great Britain since a blockade is an act of war under the law of

nations. The colonies and Congress immediately reacted by issuing letters of marque, which authorised individual American shipowners to seize British ships in a practice known as privateering. Further, the Act moved the American colonists more towards the option of complete independence, as the King had now declared his "subjects" out of his protection and levied war against them without regards to distinction as to their ultimate loyalty or their petitions for the redress of grievances.

At the same time, the British had imported bands of foreign auxiliaries, including the Hessians, into the American colonies to suppress the rebellion. The British had also stirred up hostile bands of Native Americans on the frontier by the King's men to raid the colonists. Concluding that they no longer had the King's protection, the colonists responded with the Declaration of Independence.

It throws thirteen colonies out of the royal protection, levels all distinctions, and makes us independent in spite of our supplications and entreaties.... It may be fortunate that the act of independency should come from the British Parliament rather than the American Congress.

- — *John Adams*

Chapter 20

Stamp Act Congress and Declaration of Rights and Grievances

Stamp Act Congress

The Stamp Act Congress (October 7 – 25, 1765), also known as the Continental Congress of 1765, was a meeting held in New York, New York, consisting of representatives from some of the British colonies in North America. It was the first gathering of elected representatives from several of the American colonies to devise a unified protest against new British taxation. Parliament had passed the Stamp Act, which required the use of specialty stamped paper for legal documents, playing cards, calendars, newspapers, and dice for virtually all business in the colonies starting on November 1, 1765.

The Congress consisted of delegates from nine of the eighteen British colonies in mainland North America. All of the attending delegations were from the Thirteen Colonies that eventually formed the United States. Although sentiment was strong in some of the other colonies to participate in the Congress, a number of royal governors took steps to prevent the colonial legislatures from meeting to select delegates.

The Congress met in the building now known as Federal Hall and was held at a time of widespread protests in the colonies,

some violent, against the Stamp Act's implementation. The delegates discussed and united against the act, issuing a Declaration of Rights and Grievances in which they claimed that Parliament did not have the right to impose the tax because it did not include any representation from the colonies. Members of six of the nine delegations signed petitions addressed to Parliament and King George III objecting to the Act's provisions.

The extralegal nature of the Congress caused alarm in Britain, but any discussion of the congress's propriety were overtaken by economic protests from British merchants, whose business with the colonies suffered as a consequence of the protests and their associated non-importation of British products. The economic issues prompted the British Parliament to repeal the Stamp Act, but it passed the Declaratory Act the same day, to express its opinion on the basic constitutional issues raised by the colonists; it stated that Parliament could make laws binding the American colonies "in all cases whatsoever."

Background

In the aftermath of the French and Indian War, the British Parliament sought to increase revenues from its overseas colonies, where the cost of stationing troops had become significant. Parliament first passed the Sugar and Currency Acts in 1764, specifically aimed at raising money for the Crown by tighter regulation of colonial trade. The acts had brought protests from colonial legislatures but had skirted the idea of direct taxation by structuring their revenues as trade-related excise duties. British Prime Minister George Grenville noted at the time of the Sugar Act's passage that a stamp tax might also

be necessary, immediately raising concern and protest in the colonies. With the Stamp Act of 1765, Parliament attempted to raise money by direct taxation on the colonies for the first time. The act required that all sorts of printed material carry a stamp (purchased from a government agent) to show that the tax had been paid. The use of the stamped paper was required for newspapers, books, court documents, commercial papers, land deeds, almanacs, dice, and playing cards. The revenue was to help finance the operations of the empire, including the cost of stationing troops in the colonies, without seeking revenue through the established colonial assemblies, which had a history of failure.

Call for Congress

In June 1765, the Massachusetts Assembly drafted a letter, which was sent to the legislatures of "the several Colonies on this Continent" to "consult together on the present circumstances of the colonies." Nine colonies ultimately selected delegates to attend the congress: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina. All of the delegates selected were members of their colonial legislative bodies.

The methods by which delegates were selected were in some cases unorthodox. In Delaware, then known as the "Three Lower Counties" of the Penn proprietors, assembly members held informal meetings in each of the three counties, in each case selecting the same three delegates. In New York, the assembly had been prorogued and was judged unlikely to be summoned by Lieutenant Governor Colden to consider the

Massachusetts letter. The assembly's committee of correspondence, consisting of its New York City delegates, discussed the letter and decided under the circumstances to assume the authority to represent the colony. New Jersey's assembly politely declined to send delegates before adjourning in late June, but after political sentiment against the Stamp Act became more pronounced, Speaker Robert Ogden called an extralegal assembly (since only the governor could officially call it into session) in late September that chose three delegates. Governor William Franklin was upset at the action but took no action beyond protesting the unusual meeting. Maryland's assembly, prorogued because of a smallpox outbreak, was finally called into session by Governor Horatio Sharpe to consider the Massachusetts letter on September 23, and delegates were chosen.

The colonies that were not represented at the congress did not send delegates for a variety of reasons. The Virginia and Georgia assemblies were deliberately prevented from meeting by their governors. New Hampshire chose not to send delegates because of an ongoing financial crisis in the colony; by the time some assembly members sought to reconsider that decision, the assembly had adjourned, and Governor Benning Wentworth refused to call it into session. North Carolina Lieutenant Governor William Tryon had prorogued the assembly for other reasons, and there was apparently no action taken to request a special session despite public protests and opposition to the act by Speaker John Ashe. Nova Scotia, which then included present-day Prince Edward Island and New Brunswick, declined to send delegates despite significant economic connections to Massachusetts and a strong presence of expatriate New Englanders in its assembly. Dominated by

financial interests connected to England, the assembly never even considered a protest resolution against the Stamp Act. Quebec, Newfoundland, and East and West Florida did not have colonial assemblies and were not invited.

When word of the pending congress reached London, the Lords of Trade were so disturbed that they wrote to the king that "this is a matter of the utmost importance to the Kingdom and legislature of Great Britain... and proper only for the consideration of Parliament." Communications were so slow that when Parliament was informed about its existence, the Stamp Act Congress had become already in session. The trade commissioners also noted that "this appears to us to be the first instance of any General Congress appointed by the Assemblies of the Colonies without the Authority of the Crown, a Measure which we Conceive of dangerous Tendency in itself."

Proceedings

Delegates began to arrive in New York in late September, and a preliminary meeting was held by four delegations on September 30; what was discussed then is not known. The first session of the Congress was held on October 7, in New York's City Hall (now known as Federal Hall). It elected Timothy Ruggles, a conservative Massachusetts delegate, as its chairman, narrowly rejecting James Otis, whom John Adams described as the soul of the body. John Cotton, the deputy secretary of the Massachusetts General Court, had been retained by the Massachusetts delegation to make a formal record, was chosen as the body's secretary and record keeper. The selection of Ruggles as a delegate had been engineered by Massachusetts Governor Francis Bernard in the hopes of limiting the

effectiveness of the congress. His success in being elected chairman was at least partly because of the perception that Otis, a populist firebrand, "might give their meeting an ill grace."

The formal sessions of the Stamp Act Congress were conducted behind closed doors although some of its business may have been conducted in informal sessions held in coffeehouses and other establishments in the evenings. Lieutenant Governor Colden, unable to prevent the meeting, called it an illegal convention, noted "Whatever possible pretenses may be used for this meeting their real intentions may be dangerous." The delegates were clear that they were in fact loyal to the Crown. New York delegate Robert Livingston wrote that the Congress was designed to insure the unity of the British Empire: "if I really wished to see America in a state of independence, I should desire as one of the most effectual means to that end that the stamp act should be enforced."

Little is known of the debates in congress. The official congressional journal, in an apparently-deliberate move, contained only the barest details of official actions, and none of the participants kept private journals. As a result, accounts of the congress are based on fragmentary records from contemporary letters and publications. In addition to selecting officers, the first sessions examined the credentials of each of the delegations; despite the unorthodox methods by which some were chosen, no delegates were rejected. They also debated on how voting in the body should take place, eventually agreeing that each delegation would cast a single vote.

The early substantive debates centered around issues raised by the Stamp Act and the earlier Sugar Act. The delegates spent a significant amount of time discussing the differences between direct ("internal") taxation and the regulation of trade (or "external taxation"), and seeking formal justification of the idea that only the colonial assemblies had the right to levy internal taxes. Fairly early in the deliberations, the delegates agreed to produce a statement of rights which would form the foundation for petitions the congress would submit to Parliament and the king. According to Delaware delegate Caesar Rodney, the drafting of the statement was made difficult by the desire to balance the colonists' rights with the royal prerogative and the acknowledged powers of Parliament.

On October 19, the delegates adopted the Declaration of Rights and Grievances, a document intended primarily for local political discussion. Over the next few days, separate committees drafted three documents: an *address* to the king, a *memorial* to the House of Lords, and a *petition* to the House of Commons. Separate committees worked over the next few days to draft these, which were accepted after debate and revision by the delegates on October 22 and 23. When the issue of signing the documents was discussed on October 24, matters suddenly became more complicated. The delegations from Connecticut and South Carolina refused to sign the documents, citing their instructions specifically denying such power. New York's delegation also refused, citing the informality with which it had been selected. From the other six delegations, New Jersey's Robert Ogden and Massachusetts' Ruggles both refused to sign, sparking a heated argument. Ruggles eventually moved that no one sign the documents, and that they instead be sent unsigned to the colonial assemblies.

Otis pointed out that the Massachusetts assembly had authorized its delegation to sign any jointly agreed documents and that Ruggles' suggestion undermined the purpose of the congress to present a united front.

Although the other delegates from the six colonies signed the petitions, Ruggles and Ogden did not, and both were called before their respective assemblies to justify their actions. Ruggles, in his defense, admitted that he was opposed to the substance of the documents, and Ogden argued weakly that he thought separate petitions would be more effective than a joint one. (Others noted that Parliament had already ignored such petitions.) Ruggles and Thomas McKean had an angry exchange over the matter, resulting in Ruggles challenging McKean to a duel. The duel did not take place, and Ruggles left New York early the next morning. The congress met again on October 25, when the petitions were signed, and arrangements were made for the transmission of some of the documents to England, and the making of copies for the nonparticipating colonies.

Declaration and petitions

The Declaration of Rights contains fourteen statements. The first six lay groundwork, proclaiming loyalty to the crown and asserting that according to the Rights of Englishmen and the more general "freedom of a people", only representatives chosen by the colonists could levy taxes. Because Parliament did not have such representatives, it could not levy taxes. The seventh statement asserts that the Rights of Englishmen afford all colonists the right to trial by jury. The remaining statements protest the unconstitutionality of the Stamp Act; express the economic consequences, which, among other

things, would reduce trade to the detriment of English manufacturers; and reiterated the rights of the colonists to petition the crown and Parliament.

The petitions directed to the House of Lords and the king were written in flattering tones, gently stating the liberties the colonists had enjoyed as British subjects and hoping they would retain them.

The petition to the Lords specifically acknowledged "due Subordination to that August Body the British Parliament." In contrast, the petition addressed to the House of Commons was more detailed, advancing economic arguments against the Stamp Act and requesting the repeal of legislation creating a jury-less vice admiralty court at Halifax. It also reiterated the supremacy of Parliament.

Reaction

Copies of the petitions left New York on two ships, including one that had arrived during the Congress, carrying stamped paper. Lord Dartmouth, the colonial secretary, rejected the petition to the Lords, saying it was an inappropriate document. The House of Commons cited several reasons not to consider the petition, including that it had been submitted by an unconstitutional assembly, it denied Parliament's right to levy taxes, and acceptance of the petition would constitute an admission that Parliament had erred. The weak Rockingham Ministry, laboring for support against political opponents, rallied merchant interests in opposition to the Stamp Act, and it was repealed primarily on the strength of economic arguments advanced by these interests on March 18, 1766. To

address the constitutional issues raised by the North American protests, Parliament also passed the Declaratory Act, claiming the authority to legislate for the colonies "in all cases whatsoever".

Legacy

This Congress is generally viewed as one of the first organized and co-ordinated political actions of the American Revolution although its participants were not at all interested in independence from Great Britain. Despite significant political differences and disagreements between the Thirteen Colonies, tensions occasioned by the harsh Parliamentary response to the 1773 Boston Tea Party prompted the calling of the First Continental Congress, which produced a united response to the Intolerable Acts of 1774.

Colonies such as Quebec and Nova Scotia, which had only moderate opposition to the Stamp Act, continued to act moderately through the rising protests and remained Loyal during the American Revolutionary War.

Most of the official papers of the Congress have not survived. One copy of its journal, from the papers of Caesar Rodney, survives in the library at Rowan University in Glassboro, New Jersey, and a second exists in the Connecticut state archives. The Maryland copy of the journal, although the original is lost, was transcribed into its assembly's records and printed in 1766. Inconsistencies within and between the documents make it uncertain whether any is an accurate representation of the official journal (which was probably taken to Massachusetts and was not located by Weslager in his research).

Declaration of Rights and Grievances

In response to the Stamp and Tea Acts, the Declaration of Rights and Grievances was a document written by the Stamp Act Congress and passed on October 14, 1765. American colonists opposed the acts because they were passed without the consideration of the colonists' opinion ("No Taxation without Representation"). The Declaration of Rights raised fourteen points of colonial protest but was not directed exclusively at the Stamp Act of 1765, which required that documents, newspapers, and playing cards be printed on special stamped and taxed paper. In addition to the specific protests of the Stamp Act taxes, it made the assertions which follow:

- Colonists owe to the crown "the same allegiance" owed by "subjects born within the realm".
- Colonists owe to Parliament "all due subordination".
- Colonists possessed all the rights of Englishmen.
- Trial by jury is a right.
- The use of Admiralty Courts was abusive.
- Without voting rights, Parliament could not represent the colonists.
- There should be no taxation without representation.
- Only the colonial assemblies had a right to tax the colonies.