The Great Debate in the Committee of the Whole House of Commons on the Stamp Act, 1766, as Reported by Nathaniel Ryder

The Grenville Ministry that put the Stamp Act through Parliament in the spring of 1765 fell the following July when the Marquess of Rockingham and his followers took over the reins of government. Reports from the North American colonies of resistance to the Act began reaching England late in the summer. By the time Parliament met for a brief session on December 17 the gravity of the crisis that had developed was recognized by all. Thus, on the 20th the session was adjourned to January 14 to permit vacancies in the House of Commons to be filled so that there should be a full house when all the facts concerning the problem facing the government should be presented for consideration. It was apparent that momentous decisions would have to be made.

When Parliament reconvened on January 14 the debate began, after the delivery of the King's speech, with William Pitt and George Grenville each taking a leading part.¹ Thereupon, the House of Commons settled down to work. The Ministry itself was torn with indecision. Such high office-holding persons as the Duke of Grafton and General Henry Seymour Conway, Secretary of State, were persuaded that the salvation of the country lay in restoring Pitt as chief minister in place of the rather inexperienced Marquess of Rockingham. But George III was not prepared for such a move. However, it seems clear that decision to seek a repeal of the Stamp Act had been reached by Rockingham and his associates by January 14, despite the King's preference for the less dramatic action of revision.

The decision of the ministers was—ostensibly at least, for so it was openly avowed—the result of pressure exerted by English merchants and manufacturers, who were finding themselves hard pressed by American determination neither to purchase English goods nor to pay commercial debts until the Act was repealed. This pressure took the form of memorials sent from almost all the leading trading towns of the kingdom. On January 28 the House of Commons resolved itself into a committee of the whole to consider these memorials along with the official papers relating to American resistance to the Stamp Act.

By the beginning of February, the Ministry had drawn up five resolutions which it was now prepared to press upon the House for adoption. They were, in brief, as follows: That Parliament had the right to pass laws binding on the colonies; that insurrections of a dangerous nature had occurred in North America in open defiance of the powers of His Majesty’s government and in violation of the laws and legislative authority of Parliament; that these insurrections had been encouraged by several of the colonial assemblies; that an address should be presented to the King that he would be pleased to order the colonial governors to see that those who had committed such acts of violence against the Stamp Act should be punished; and, finally, that the King would be pleased to have the governors recommend to their assemblies compensation for those who, in attempting to uphold the Act, had suffered in their persons and property.2

The debates in committee on these resolutions, and on three additional resolutions that were subsequently presented, are nowhere nearly so fully or so accurately described as in the shorthand cipher notes3 left by Nathaniel Ryder, a member returned by Tiverton in Devonshire. Ryder, later first Baron Harrowby, was the son of the late Sir Dudley Ryder, Lord Chief Justice and privy councilor, who had died on the day he was to have received his patent as Baron Ryder of Harrowby. Nathaniel Ryder’s parliamentary notes, covering the period from the spring of 1764 to the spring of 1766 with

2 Horace Walpole, in his Memoirs of the Reign of George the Third, ed. by Sir Denis Le Marchant (Philadelphia, 1846), I, 383, gives the headings of these resolves.

important gaps, are contained in five volumes and form a part of the Harrowby Manuscript Trust, Sandon Hall, Stafford, England. As the cipher was one used by the Ryder family only in the eighteenth century and the key to it had been lost, it was not until recently that, with the aid of an expert cryptographer, the contents of these volumes have been unlocked. With the kind permission of the present Earl of Harrowby, they have been transcribed by Dr. K. L. Perrin for the use of the writer. They are classified at the Trust as Documents 61, 62, 63, 64 and 65, and will be so indicated in the footnotes.

As the Ryder parliamentary notes are much too voluminous to be presented in full, all that can be done in this article is to lift from them those statements of individuals that appear to have particular importance to the student of the history of this period. For the

4 Ryder's notes, it is quite clear, were taken not for public circulation but only for personal use. The secrecy of the proceedings of Parliament, especially those in the committee of the whole, were supposed to be inviolable in accordance with earlier parliamentary decisions. As a check upon the reporting of debates in periodicals in violation of this rule of secrecy, the House of Commons on Apr. 13, 1738, had resolved unanimously, "That it is a high indignity to, and a notorious breach of the privilege of, this House for any news-writer... or for any printer or publisher... to presume... to give any account of doings or other proceedings of this House, or any Committee thereof,... and this House will proceed with the utmost severity against such offenders." While the House permitted publication of official reports of its votes, it did not permit publication of its debates. Although the Gentleman's Magazine had been one of the publications aimed at in 1738, it had continued to report debates, and in 1766 presented (XXXVI, 156-159) a rather full report of the Jan. 14 debate, under the general heading "POLITICAL DEBATES, ETC." At the same time, to protect itself from the laws of libel, it observed the precaution of not printing the full names of people, but used dashes instead. However, letters unsigned from London and printed in the American press which gave the names of speakers in Parliament were frequent. The debate in the House of Commons on Jan. 14, for example, was reported quite fully in nine unsigned letters appearing in the Pennsylvania Gazette, Mar. 27, 1766. For a history of restrictions on the reporting of debates in Parliament, see P. D. G. Thomas, "The Beginning of Parliamentary Reporting in Newspapers, 1768-1774," English Historical Review, LXXIV (1959), 623-636, especially pages 623-624; see also F. S. Siebert, Freedom of the Press in England (Urbana, Ill., 1952), Chap. 7; Michael MacDonagh, History of Parliamentary Reporting (London, 1913); and F. J. Hinkhouse, Preliminaries of the American Revolution as seen in the English Press, 1763-1775 (New York, 1926).

5 That Ryder made a great effort to set down with fidelity the views expressed by the various speakers may be tested, for example, by the notes he took relating to the examination of Benjamin Franklin at the bar of the House. He himself indicated that these notes are not complete. On the day that Franklin was questioned, Ryder arrived late at the hearing, as he explained; his notes, moreover, do not include the latter part of the examination. But the part that he took down, while not as full as what may be called the official transcript as published by Almon in 1766 and embodied in the Parliamentary History of England, corresponds with unusual exactness to it. See also below, pages 34-35.
benefit of the reader, the Ryder excerpts of speeches have also been supplemented in the footnotes by references to other authorities. Since no individuals, other than members of the House of Commons, the clerical staff, and other necessary attendants, were permitted to be present during the debates in the committee of the whole House, it will be noted that these sessions assumed a quite different character from those during which speakers were addressing the galleries as well as their fellow members. Moreover, members of Parliament were thoroughly sobered by the beginning of February, 1766. They realized that the British Empire was involved in the greatest internal crisis it had faced since its inception in the preceding century. Therefore, the William Pitt in the committee of the whole is a very different and much more rational person than the Pitt of the open forum whose declamation, delivered on January 14, bordered on frenzy. Not in the open House, but in the committee of the whole, during the month of February, 1766, were the great decisions

6 The following important records of the debates in the committee of the whole House are also available for use with the Ryder notes. One of these, in the handwriting of Grey Cooper, a secretary of the Treasury in the Rockingham administration and a newly elected member from Rochester, is to be found among the Treasury Papers in the Public Record Office (Treas. 1. 446 [372], fols. 134–143). As edited by the late Professor C. H. Hull, it was published in the American Historical Review, XVII (1911–1912), 564–574; it covers only the deliberations of Feb. 3, 1766.

Another report is by Horace Walpole and is embodied in his Memoirs of the Reign of King George the Third, I, 382–392, hereinafter cited as Walpole. Walpole, unlike Ryder, showed very strong partisan feeling, which limits the degree of reliability one can place in his account. It may also be noted that Walpole took lessons in shorthand under John Byrom, sometime fellow of Trinity College, Cambridge, before the death of Byrom in 1763. See John Byrom in the Dictionary of National Biography.

A fourth account is to be found in two sets of letters from Charles Garth—a member of Parliament and London agent for Maryland and South Carolina—located among the Maryland Historical Society manuscripts and among the Henry Laurens Papers held by the South Carolina Historical Society. The first set consists of two letters, dated Feb. 26 and Mar. 5, 1766, addressed by Garth to the Maryland members of the Stamp Act Congress, Edward Tilghman, William Murdock, and Thomas Ringgold. They have been printed, under the title "Stamp Act Papers," in the Maryland Historical Magazine, VI (1911), 282–305, and are valuable for a summarization of the chief constitutional points developed in the Great Debate. The second item is an extended letter, written over a period of days between Jan. 19 and Feb. 22, 1766. Edited by J. W. Barnwell, this long letter appears in his article, "Hon. Charles Garth, M. P., the last Colonial Agent of South Carolina in England, and some of his work," published in the South Carolina Historical and Genealogical Magazine, XXVI (1925), 67–92. Its chief value lies not so much in what individual members said as in its masterly summarization of the arguments pro and con respecting repeal. For Garth, see Sir Lewis Namier, "Charles Garth and his Connexions," English Historical Review, LIV (1939), 443–470.
reached that, in a sense, were to settle the fate of the Empire. This fact gives the Ryder parliamentary notes their unusual importance. They begin on February 3 when, as will be indicated, the first of the five resolutions was presented.

It may be added that the committee met with intensive concentration until the passing of the resolution in favor of repeal. "Upon the 28th [of January] we went into a Committee of the Whole House upon the Affairs of America, which has sat almost every day since for 8 or 10 Hours . . . ," wrote Charles Garth on February 26, 1766. Its members rose to the momentousness of the occasion in soul-searching efforts to reach a just and equitable solution commensurate with the gravity of the problem and the threat of the crisis to the integrity of the Empire. Indeed, the nature of these secret meetings, as will be shown by the notes to follow, surely entitled them to the appellation "The Great Debate."

FEBRUARY 3, 1766

By February 3 the Rockingham Ministry, with papers before it concerning developments in America after the passing of the Stamp Act, had, as already noted, formulated the five resolutions which Secretary of State Conway presented to the committee of the whole House. The first of these stated that the King with the consent of the Lords Spiritual and Temporal and the Commons of Great Britain had full power to make laws binding on the American colonies "in all cases whatsoever." In offering it, Conway indicated that he did not deny the "legal right" of Parliament to tax the colonies but, he went on to state, in point of "policy and justice this ought not to

7 See Garth to the Maryland members of the Stamp Act Congress, Maryland Historical Magazine, VI, 286.
8 Ryder Parliamentary Notes, Doc. 62, which includes the debates on the first resolution, gave the date Feb. 2, which is clearly wrong. It should also be pointed out that certain materials are inserted near the beginning which by internal evidence are clearly a part of Grenville's report to the Commons on the public finances, presented in the spring of 1764. Since there is no pagination in Ryder's notes, all that can be done is to present the number of the document; the notes will be cited hereinafter as Ryder.
9 It would appear that, after consultation with other members of the Rockingham Ministry, Attorney General Charles Yorke prepared the final resolutions. See Yorke to Rockingham, Jan. 25, 1766, Wentworth Woodhouse Papers, Sheffield City Libraries.
have been attempted."\textsuperscript{11} A general discussion of the resolution followed.

Hans Stanley, highly regarded by his contemporaries for his clearness of thought,\textsuperscript{12} now spoke with prophetic insight. He asked if this resolution was but a preliminary "to the surrender of all our rights in America." He could "see no difference between the virtual representation [in Parliament] in this country and the virtual representation in N. America. It is no proof of our tyrannical government if the people there question all enforcement of levies in more clamour than we do at home. Bounties and advantages of all kinds [have been] bestowed liberally upon them; . . . ." He continued with the statement that he himself had been "an assistant in these [beneficial] measures. . . . If this resolution is only specious, we shall give up all authority over the Americans and can never possibly recover it without all the miseries of a civil war. . . . If they are independent of us, external taxes laid by this country are so many instances of tyranny. They will soon desire to have them repealed likewise." To Stanley here was the supreme crisis of the Empire: "The danger is not approaching but already begun. They have begun a Federal

\textsuperscript{11}Charles Garth, writing to the committee of the Commons House of Assembly on Feb. 9, 1766, stated that Conway and William Dowdeswell, Chancellor of the Exchequer, who seconded the motion on the first resolution, were induced to offer it "because upon the fullest inquiry into the Constitution of Great Britain they were Convinc'd that in point of Law, The King, Lords & Commons were undoubtedly possess'd of that power, tho' in point of Policy, Justice or Equity it was a power that they ought to exercise but in the most extraordinary cases only." South Carolina Historical and Genealogical Magazine, XXVI, 77. Grey Cooper, in reporting the speech by Conway, indicated that the latter, when referring to the policy of Parliament of reimbursing the colonies for expenses incurred during the late war, had declared: "We had just paid their [public] Debt and then called upon them to contribute to ours. I think an internal Tax false in its principle and dangerous in its consequences." Grey Cooper's parliamentary notes, American Historical Review, XVII, 565. Walpole placed in quotation marks Conway's precise words respecting America: "The other day all had been peace and harmony in that country. . . . The late Acts of Parliament had been so many repeated blows on those people. . . . The richest provinces had been thrown away by the imposition of new taxes. . . . This Act was false in its principles, and dangerous in its policy. Himself should never be for internal taxes, and would sooner cut off his hand, than sign an order for sending out force to maintain them." Walpole, I, 383.

\textsuperscript{12}With reference to the debate in 1762 on the preliminaries of the peace treaty with France, it was stated that "nobody said so much and so well for the peace [treaty] as Mr. Stanley, to whom Pitt made the highest compliments imaginable." James Hayes to Richard Neville, Dec. 10, 1762, Correspondence of John, Fourth Duke of Bedford (London, 1842-1846), III, 168.
Union, . . .

While approving of "the most moderate measures, provided they do not prove fatal to our authority," he warned that "if we do not mix firmness with our lenity, they [the colonials] will become more useful allies to France and Spain than to this country. . . . The repeal of the Stamp Act will not content the Americans. A few years, or rather a few months, will turn them [away from] decent and respectful opposition to your whole system of laws or American legislation." 13

Attorney General Yorke, in reply to Stanley, denied that the Conway resolution was a mere palliative to the repeal of the Stamp Act and the giving up of British authority over the colonies; quite otherwise. He himself would only favor repeal after "a due consideration of every circumstance [that] attended this complicated situation. The legislative power must be supreme in every country. Subdivisions of power have brought Holland to its destruction. We are governed by one plan of uniform authority. . . . This makes my Lord Cooke [Sir Edward Coke] speak of the omnipotence of Parliament. . . . we have limited the Crown itself. We have given martial law over all the King's dominions. . . . We have [prescribed] particular modes of trial. We have communicated naturalisation [to the colonies], which the greatest writers think one of the highest acts of sovereignty. As we have all these rights, [there can be] no boundary to the legislative power but that which the constitution itself presumes—your wisdom and your justice. . . . All government is founded on trust, . . . ." 14

Although the great West Indies planter Alderman William Beckford, representing London, expressed himself against the right of

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13 According to Grey Cooper's notes, Stanley observed that "some have reasoned as if the first Planters [in America] had recovered their State of Nature. This Doctrine [is] mischievous to the Colonies." Stanley then asserted "that my Country is sinking under a Burthen [of debt] which she cant bear without assistance. . . . I am persuaded that enacting Laws and laying taxes so entirely go tog[ether] that if we surrender the one we lose the other. . . . They [the Americans] have exceeded what this House has ever done—Meeting in a federal Union [the Stamp Act Congress] not to be dissolved by the Crown. They will soon become more useful Allies to France than to you. . . ." American Historical Review, XVII, 566.

14 For Yorke's argument, see also Cooper's notes, ibid., XVII, 566–568, and Walpole's account (I, 383), according to which Yorke said: "Lord Coke had declared he did not know how to set bounds to its [Parliament's] power. Our right was entire, supported by forms of precedents, and the language of the Constitution. The moment one part of the Legislature was given up, no friend would trust you, no enemy would fear you."
Parliament to tax the colonies, Conway, in reply, said that he had no doubt about the "legal right." William Blackstone, Vinerian Professor of English Law at Oxford and a member of Parliament from Hindon in Wiltshire, thereupon insisted that the right to impose taxes did not arise from representation, as frequently asserted: "if it did the House of Commons ought to have the whole right of imposing and not merely that of beginning them. . . . However, this doctrine of representation held in this country, . . . certainly does not hold with respect to the colonies who are dependent upon us, and if they attempt to shake off our dependence, we shall I hope have firmness enough to make them obey. . . . If the colonies reject a law of taxation, they may oppose any other, and they will become a more distinct separate dominion under one head. . . . Can see no distinction between internal and external taxation, nor between taxation and any other law. By taxation our property is taken away, by other laws we are . . . deprived of the use of it. We have in many instances affected the property of the colonies—The Acts [for example] determining those debts due from the colonies. . . . The Act imposing [a] penalty of £5 on a person who cuts timber of certain descriptions in N. America. . . . The Act quartering soldiers in N. America. The Act regulating [the] Post Office [duties]. . . ."

At this point Thomas Pitt, representing Old Sarum, intervened. Addressing Conway directly, he said that however he might "differ from the honourable gentleman in many, very many points," he

15 According to Walpole, Beckford was very optimistic about the future relations of the mother country and the colonies and prophesied "that the moment the Stamp Act should be repealed, it would be like the quarrels of lovers, the renewal of love." Ibid.

16 In defending the legal right, Conway also stated, following Cooper: "I have no doubt on the Right because I cannot distinguish between internal and external cases. . . . The Americans have denied the whole and I say that we have a right to bind them in all." American Historical Review, XVII, 568.

17 Walpole, in reporting Blackstone’s remarks, wrote: "Dr. Blackstone [Blackstone] an able writer, but an indifferent speaker, declared, Tory as he was, that Parliament had no right to impose internal taxes." Walpole, I, 383. This is contrary to the reports of both Ryder and Cooper. In Cooper's version, Blackstone (his name spelled correctly) denied the position of the colonies that Parliament had no right to tax them internally and remarked—concerning parliamentary powers—that the House of Commons "is the Representative of the Nation and not of Individuals." Parliament has power to inflict penalties and all "Penalties are Taxations, the Stamp Act is but a penal Law as almost all Revenue Laws are. The Law for quartering soldiers is a Tax. [The] Post Office Act, voted by the Committee of Ways and Means . . . i an internal Taxation." American Historical Review, XVII, 568–569.
must agree with him as to the resolution, but he pointed out that "Resistance by force and violence to the civil authority [brings about] a destruction of the original compact."

Pitt was followed by Richard Hussey, Attorney General to the Queen, counsel to the Admiralty and Navy, and a supporter of Rockingham. Hussey’s argument is confusing from the point of view of the student of constitutional law. He pointed out that the discussion of the question “depends on the relation the colonies bear to the mother country, and if we can get at that relation we shall come to the bottom of the question.” He argued that the colonist who goes out “upon charter from the Crown, . . . takes the common law for his guide . . . from that he receives his protection, and after that he owes obedience. The common law says we shall be bound by an Act of Parliament. . . .” He went on to say that “he can find no distinction between taxation and any other law. Consent seems as necessary to cases where the life and liberty of the subject is concerned as where his property is concerned. . . . If the Stamp Act is illegal, the law of navigation is not legal, [for these involve] the right of taxation and of laying charges upon goods and merchandise. That not a lawyer among us could make [such] a distinction. It would [if such a distinction could be drawn] make the measure of obedience so precarious and uncertain that the abolition of this right would soon be followed by that of every other.” Hussey, although acknowledging the right of Parliament to tax the colonies, agreed with Conway in questioning the wisdom of that step. “The colonists went out upon the faith of the King’s charters which they considered their magna carta. . . . The Stamp Act has indeed taxed them, and the King by giving his consent to it has overrode and destroyed as a limited monarch those privileges which his predecessors as absolute monarchs had granted to them. We ought to have had more light, to have known the ability of the Americans to bear the tax and also the profit we made by trade. . . . If we found they could bear it [a tax] and that it was right to tax them, we should have made requisition [upon them], and if they did not obey this, we should have taxed them.”

Alexander Wedderburn (Wedderbourn), the Scot who later achieved fame successively as Attorney General, Chief Justice of the

18 See also Cooper’s notes, ibid., XVII, 569-570, and Walpole, I, 383-384.
Court of Common Pleas, and Lord High Chancellor, observed that the right of taxing the colonials "certainly stands on the same foot with all the other parts of the legislative authority." Americans, in fact, had "no idea that we have no right to impose internal taxes upon them till the riches which the war produced had introduced, naturally enough, the idea of independence." As to the resolution respecting the power of Parliament to bind the colonies, he felt it would be "very [nugatory] if, when you assert the right, you do it upon the idea that for permanent and perpetual reasons it can never at any time be prudent and equitable to exercise it." 19

Edmund Burke, agreeing with the Conway resolution, affirmed that the right of taxation was "clear beyond a contradiction," yet there is "a real distinction between the ideal and the practical right of the constitution. . . ." He cited the "King's negative [on all laws as] one of the sleeping rights of this constitution. . . . An Englishman must be subordinate to England, but he must be governed according to the opinion of a free land. Without subordination, it would not be one Empire. Without freedom, it would not be the British Empire." 20

Colonel Isaac Barré, who had opposed the passing of the Stamp Act, moved that the words in the resolution "in all cases whatsoever" be stricken out. Speaking, then, of America, he remarked: "Let their origin be what it will, they are now become [a] great Commonwealth. It is clear that no man has the right to tax his [i.e., another man's] money without his own consent or by his representative. The supreme power is uncontrollable, but it should control itself. In this country grievances are sooner felt, easier complained of and quicker redressed. At that distance, this is not effected without much more difficulty." With prophetic eyes, Barré held up the picture of an America "larger than Europe and perhaps in the whole containing more inhabitants, peopled from this little island." "Can any sight or

19 See also Cooper's notes, American Historical Review, XVII, 570-571.
20 According to Cooper, Burke also observed: "They were [in the beginning] meer Corporations, Fishermen, and Furriers, they are now commonwealths. . . . Draw the line where you please between perfect and no Repres[entation] but draw the Line somewhere . . . because I know not how to fix the Bounds to the coercive Powers of the British Legislature." Ibid., 571. See also Walpole (I, 384), who included the observation of Lord Frederic Campbell, in reply to Burke's distinction between theory and practice in government, to the effect that such distinctions "had brought on the [English] Revolution [of 1689]."
any prospect be more flattering to humanity or more glorious and more likely to immortalise it in the annals of fame?” he asked. As to the representation of America in Parliament, he brushed this concept aside. “The idea of a representative from that country is dangerous, absurd and impracticable. They will grow more numerous than we are, and then how inconvenient and dangerous would it be to have representatives of 7 millions there meet the representatives of 7 millions here.” He then warned: “If you do mean to lay internal taxes, act prudently and draw the sword immediately. . . . All colonies have their date of independence. . . . If we act injudiciously, this point may be reached in the life of many of the members of this House.”

George Grenville at last took the floor to state that “Conway said little in support of his [own] motion . . . ,” but appeared to think “the legality of the right [of taxation] an apology for the riots and rebellion of the colonists.” Referring to the Rockingham Ministry, he said he was “sorry the King trusts the executive power of this part of his government to such hands.” On the question of the pressure being brought in Great Britain for the repeal of the Stamp Act, he asked: “Will the Ministry procure petitions against the tax and cut the throat of government . . . ?” As to the matter of requisitions on the colonies which Hussey had said should have been made before they were taxed, Grenville asked: “When were requisitions [ever] made by Parliament to the colonies? By money never certainly. If made by a Ministry, it becomes illegal and unconstitutional, and might in future . . . put the King out of the power of the Parliament of Great Britain.” With respect to the weight of the American stamp tax, he declared that “it is two or three times lower than in England.

21 Cooper’s notes differ at this point from Ryder’s. According to him, Barré said: “Representatives from thence [are] absurd: To have the Representatives of 3 meet here the Repres. of 7 Millions.” Cooper also recorded Barré’s statement: “The Essence of an assembly is the power of granting money, if you encroach upon that you deprive them of the very Essence of Liberty.” American Historical Review, XVII, 571. Barré, following Walpole’s version, pictured “the Americans as worse treated than [the] French or Spanish provinces.” Walpole, I, 384. In reply to Barré, Dowdeswell, according to Cooper, made the following statement with reference to the American colonial: “If I did not think him bound by all Laws I wd leave out the whole Resolution and . . . repeal many Acts of Parlt. I do not see the Necessity of Consent to Taxations and not to Acts affecting my Life and attainting my Blood.” American Historical Review, XVII, 571.
excepting in the case of land by the acre.” Grenville continued that although he differed totally with Barré’s opinion, yet he deemed “his conduct more consistent than that of gentlemen who propose such a resolution with such an intention as that of repealing the Act.” As to the assertion that had “America had her commercial advantage given to her, she would not have resisted,” he replied: “She never had greater commercial advantages than in the year preceding the Stamp Act.” Indeed, he wished that “the Stamp Act had more faults than it had. That it [might appear] to be repealed rather from the yielding to reason than to violence.”

Early on the morning of February 4 the first of the Conway resolutions passed by an overwhelming majority.

According to Cooper, Grenville said, “I must lament that the executive power of Govt is entrusted to one who apologizes for Rebellion.” Ibid., 572. At this point, Ryder stops his notes on the deliberations of Feb. 3, but Cooper adds remarks made by William Pitt and Sir Fletcher Norton. Pitt stated: “If Liberty be not countenanced in America it will sicken, fade and die in this Country. I rise to second the Amendment [made by Barré to strike out the words ‘in all cases whatsoever’]. It is absurd to vote the Right in order not to exercise it. If they have a Right they have it on all Grounds, . . . there is not a Man readier than I am to punish the Violence but redress the Grievances. It imports the Dignity of this Country to see some of the Offenders [against the Stamp Act] brought to Punishment. I think them deprived of a Right: . . . The first Settlers carried with them every Right consistent with their Situation and the Parl. has not a right to lay internal taxation. Repn. and Taxation go together and always have in this Country.” Norton, Attorney General under Grenville, denied Pitt’s contention that taxation and representation go together. He went back before the Norman period; he reviewed the actions of the Great Council and, referring to Magna Carta, said the petition of the Barons to the Crown in 1215 was, “that Taxes [should] not be levied without the Consent of the whole of the Great Council. They claim’d the Right common to all Legislatures that Taxation and Legislation go together. . . . If you follow the Declaration of the right to tax by a Repeal, it is a Mockery of Parl. . . . I wd receive the American with open arms but I would receive him penitent and if something is not done to support this Law it will be the last you will pass upon North America.” Ibid., 572-574.

Walpole’s account of the discussion dismissed Pitt’s remarks as “another oration on general liberty.” Walpole, I, 384. Recording Norton’s reply to Pitt, Walpole pictured Norton turning upon Grenville “in such a confutation of the lies Mr. Grenville had been venting, that it was wonderful how even his pallid features could quench the blush of shame.” Ibid. According to Walpole, about three o’clock in the morning of the 4th, the first resolution, in favor of a declaration of the right of Parliament “was carried without a division, Mr. Pitt’s, and four or five voices only dissenting. . . .” Ibid., 385. Charles Garth wrote that the debate ended about four in the morning. Of the opposition, he recorded: “I believe from the Sound there were not more than ten dissenting voices”; this was counting his own voice. He added: “I believe there never was a debate so Temperate, serious, Solemn and Parliamentary, without the least appearance of Party or faction (disunited and divided as we are). . . .” South Carolina Historical and Genealogical Magazine, XXVI, 84-85.
February 5, 1766

On February 5 the second resolution came up for consideration of the committee of the whole House.11 It referred to the dangerous “tumults and insurrections . . . in several of the North American colonies . . . in manifest violation of the laws and legislative authority of this Kingdom.”12 After it had been read, Jeremiah Dyson, who had been a joint secretary of the Treasury and was at the time on the Board of Trade, moved that the resolution be amended to include the words: “Whereas the execution of an Act of Parliament of the last session has been hitherto defeated.”13 At this Pitt rose. He pleaded that he now “stands naked, but as some writer has said of our part ‘because of my innocence [I] am not ashamed.’”14 He then expressed the hope that “the honourable gentleman, Mr. Dyson, would drop the words he has had, thinks them too minute [specific] and perhaps not strictly true. Sees with pleasure the present gentlemen who have the ear of the King pursuing such measures as have procured his [the King’s] full confidence and will procure them the confidence of this country.”15

After some discussion, Dyson agreed to withdraw his amendment, and Grenville, who had supported it, said he, too, had no objection to dropping it. Pitt then commended Grenville “for professing with so much candour that he would consent to repeal such parts [of the Stamp Act] as should be found wrong. If therefore it is consistent with the dignity of the House to repeal a part of the Act under resistance, it must likewise be consistent with it to repeal the whole if the whole should be found inconsistent with the present policy and circumstances of America.” Grenville replied that he desired “to deserve that honourable gentleman’s good opinion. . . .” Continuing, he declared he “could have [had] no interest in promoting this

23 Ryder, Doc. 65. The debates on all other resolutions considered on this day are also to be found in Document 65.
25 Walpole’s wording of Dyson’s amendment (I, 385) is somewhat different, but the meaning is the same.
26 According to Walpole’s version, Pitt opposed Dyson’s amendment, saying that his “support could be of little efficacy to American liberty, standing as he did almost naked in that House, like a primeval parent, naked, because innocent; naked, because not ashamed.” Ibid.
27 For this debate, see also Grey Cooper to Rockingham, undated, George Thomas, Earl of Albemarle, Memoirs of the Marquis of Rockingham (London, 1852), I, 309–310.
Act but the general advantage of making all contribute some expense to the safety of the whole.” He would, he added, agree to “repeal the whole if improper,” but expressed the hope “that the impropriety may not be a cover for timidity.” He then said that he had asked the American agents, before he laid the Act before the House, if they had any other mode of taxation, and declared he would willingly have accepted any other method to secure an American revenue, “provided it answered the proposed end.” “But,” he noted, “they all said that they knew of none which would be less exceptionable.” After being called to order by Pitt for not speaking to the present subject, he remarked that he feared there could be no unanimity because the view had been expressed (obviously referring to Pitt’s denunciation of the Stamp Act on January 14) that the Stamp Act was “wrong in every part.” Pitt, according to Ryder, now made an admission about the power of Parliament that appears nowhere else in his record: “That though he acknowledges the authority of the legislature [Parliament] in imposing the taxes, yet without entering into reasons he would never be for taxing America.” Thereupon, the second resolution passed without any amendment and without any division.28

The third resolution was to the effect that “the tumults and insurrections” in America were “greatly encouraged and inflamed by votes and resolutions, passed in several of the Assemblies . . . tending to destroy the legal and constitutional dependency of the said colonies on the imperial crown and parliament of Great Britain.” Amended, it would appear, to change the word “encouraged” to “countenanced,” the resolution was passed.29 A fourth resolution—that the King be asked to “direct the Governor[s] [to take steps] to punish the persons concerned in the late riots”—was presented by Conway, who, while moving it, expressed himself willing to with-

28 Grey Cooper writing to Lord Rockingham, after the above meeting of the committee of the whole, referred to Pitts’ opposition to the Dyson amendment and to his praise of the original wording of the second resolution as “wise, judicious, temperate, and firm, and that he [Pitt] wished the prudence which dictated the resolution might find the approbation it deserved from the nation and that it might find the way into the heart of the King.” Cooper went on to say that Pitt “cou’d not be more explicit in his good will to [the] administration & his resolution to support them thru’ this great measure.” Wentworth Woodhouse Papers, R. 1. 393, Sheffield City Libraries.

draw it. Since the suggestion met with the approval of both Pitt and Grenville, it was done.\textsuperscript{30} A fifth resolution—which now became the fourth—to address the King that he would “instruct the Governor [of each colony] to recommend it to the Assembly to make a compensation to those who suffered in their persons and property by the late riots” led to sharp differences of opinion. Robert Nugent, who represented Bristol for twenty years, proposed the word “require” as a substitute to “recommend.” Lord George Sackville, later to become Lord Germaine, opposed this amendment, saying: “The authority of the country has been attacked. [Let us] Assert our rights, but let us be careful, while we are complaining of their encroaching on our right, not to infringe on theirs. It is one of their privileges that our recommendations are not obligations. If we want to bid them, let us do it by Act of Parliament.” As for Pitt, he expressed himself opposed to the resolution and thought it should be dropped. In his view, “the time will come when the relief [of sufferers from the Stamp Act] through proper channels of authority will come with ease and propriety, and then we shall run no risk of exposing this country from affront to affront.” He then expressed the hope that “it is . . . the intention to put America upon the foot of liberty that it enjoyed before.” As to the Nugent amendment to the resolution that the King should “require” the American assemblies to make restitution, Pitt stated that he would have the King “command like a King that is aware he has the right to command. The King has no right to command in this instance, and I hope he will never be advised to command where he has no right nor to ask where he will probably be refused. . . . Had James 2nd preserved his power, [had] his successor recovered it, who would have been the first victim of his despotism. . . . The loyal, free and Protestant Americans.”

Grenville approved the Nugent amendment, but proposed that if it were not agreeable to the other gentlemen another resolution be

\textsuperscript{30} \textit{Ibid.} Walpole stated that as to the fourth resolution, “Conway himself offered to give [it] up as too severe.” Walpole, I, 385. Charles Garth in his letter to the committee of the Commons House of Assembly of South Carolina, dated Feb. 9, referred to the fact that on Feb. 5 “certain Resolutions were proposed & agreed to, a copy of which I enclose. The Debates thereon kept us to a late Hour of the Night, that [resolution] which stands 4th was Instituted [substituted] in the place of another proposition which had been mov’d by the Ministry. . . .” \textit{South Carolina Historical and Genealogical Magazine, XXVI}, 88.
substituted for the original one. It could be limited to “imparting the opinion of this House that some compensation is proper to be made to the sufferers by the late riots. . . .” After some debate, it was agreed to drop the former resolution and substitute the one presented by Grenville,\footnote{ibid.} which reads:

That such persons, who, on account of the desire which they have manifested to comply with, or to assist in carrying into execution, any acts of the legislature of Great Britain, relating to the British colonies in North America, have suffered any injury or damage, ought to have full and ample compensation made to them for the same, by the respective colonies in which such injuries or damages were sustained.

After this he presented a new fifth resolution as follows:

That the House be moved to resolve and declare, that all his Majesty's subjects, residing in the said colonies, who have manifested their desire to comply with, or to assist in carrying into execution, any acts of the legislature of Great Britain, relating to the British colonies in North America, have acted as dutiful and loyal subjects, and are therefore intitled to, and will assuredly have the protection of the House of Commons of Great Britain.\footnote{ibid.}

This, too, was adopted, as was the sixth resolution, also presented by Grenville:

That all persons, who by reason of the tumults and outrages in North America, have not been able to procure stamped paper, since the passing of the Act for laying certain duties of stamps in the colonies, ought to be indemnified from all penalties and forfeitures, which they may have incurred, by writing, ingrossing, or printing on paper, vellum, or parchment, not duly stamped, as required by the said act, under proper restrictions.\footnote{Ibid.}

After these resolutions had been passed, the committee adjourned for the day.

\textbf{February 7, 1766}

The next meeting of the committee of the whole, according to Nathaniel Ryder, took place on February 7,\footnote{Ryder, Doc. 65. All discussion on this date is to be found in Document 65.} with the opposition to the Ministry determined to try its strength. It began with Conway

\footnote{For this resolution, see \textit{Parliamentary History of England}, XVI, 161-162.}
giving a verbal account of the calamitous situation in America from reports lately received which the clerks had not had time to copy.\textsuperscript{35} This led Grenville to speak of "the melancholy account from Conway of America . . . ," which he did not wonder at, "considering the total suspension of law throughout the whole continent." Grenville thereupon proposed an address to the King in the following terms:

That it is the opinion of this committee that an humble address be presented in consequence of our resolution to express our indignation and concern at the proceedings in N. America, and to assure the King that we will assist him in enforcing the laws of this Kingdom. And to recommend to his favour the loyal and dutiful subjects who have contributed to the execution of the Stamp Act and the other laws of this Kingdom.\textsuperscript{36}

Henry Seymour, a half-brother of Lord Sandwich, now rose to second the Grenville proposal and was followed by Charles Townshend, who occupied the post of Paymaster General, had been president of the Board of Trade, and was later to be the author of the revenue legislation in 1767. Townshend agreed with Grenville on the situation in America, and expressed the view that "if some proper plan is not formed for governing as well as quieting them [the colonials] at present and for the future it will be extremely dangerous. The magistrates at present in many colonies [are] elective, the judges dependent on the assemblies for their salaries." Nevertheless, he felt "the address carries strongly an opinion in favour of enforcing the Stamp Act." He intimated that he had "expressed no opinion upon that subject, and therefore hopes for the favour and judgment of the committee when he opposes this address as . . . tending directly to the enforcing of the stamp Act. . . ." "We are now," he continued, "without forts or troops [in the rebellious colonies]. Our

\textsuperscript{35} See Walpole's report of Conway's statement on "the deplorable state of that unfortunate country, America, where all was anarchy and confusion—without courts, without laws, without justice; and yet he had not heard a breath of disloyalty,—it was the countenance of despair." Walpole, I, 386.

\textsuperscript{36} That Grenville had already secured the permission of the Ministry to present a motion for an address to the King is clear from his letter to Hans Stanley, dated Feb. 6, 1766: "The Address to the King in consequence of the Resolutions we have come to & which I mentioned to the Committee yesterday is agreed by the Administration to be brought on to morrow. The degree of Resistance it is likely to meet with in the present unsettled State of men & Things, I scarce know how to form a Guess & therefore can only say that . . . in case of any opposition to this Address or any other Busyness to be proposed by the Ministry, I should be extremely sorry to be deprived of your Assistance. . . ." Grenville Letter Books, Vol. 2, Huntington Library, San Marino, Calif.
[American] magistrates [are] without inclinations and without power. Would you raise this temper while you are the most unable to resist it and perhaps drive them to such extremities that if you should [decide] by resolution to repeal, it may then be too late to go back?"37

Edmund Burke also opposed the Grenville motion. In this connection, he stated: "We look very improperly upon N. America if we consider their disturbances only and entirely neglect their grievances. We should consider not only their grievances but those of Great Britain also, and that this motion will preclude. . . . Our merchants object to it [the Stamp Act] as having brought them to the brink of ruin. Let us hear them. Let us consider the subject in its full extent before a single resolution, if possible, should reach America."

Charles Jenkinson, a secretary of the Treasury under Grenville, voiced entire agreement with Grenville's motion and denied that the motion would "prevent the merchants from coming before you." Such a charge could be made "against every resolution which has yet come before you, . . . before you grant relief, determine whether you should be right to grant it. . . . If we do not mean to enforce our right, . . . a declaration of our right [is] improper and frivolous." His own opinion was "pardon for the past and vigour for the future." He would "approve of an act of grace."

Attorney General Charles Yorke, speaking in opposition to the Grenville motion, declared: "You should let America know at once what you mean to do with relation to the Stamp Act, . . . as to enforcing, altering or repealing it." He stated that he would not then give his opinion on the course to follow, but warned that the "question about America [is] not [a matter] of one session only, but of posterity also." Before closing, he called for unanimity for measures to be secured, and expressed "Fears for this country if division at home should add weight to our destruction abroad."

Fletcher Norton, Attorney General under Grenville, spoke next to point out that the "bad state of the colonies [is] not owing to the passing the [Stamp] Act but to the resistance made to the execution of it." "While the law continues," he said, "we ought to rise to see it executed if the situation requires such an interposition. We [must] use N. America as we use ourselves. The [British] militia law [5 Geo. III, c. 36] it has been said created uneasiness." "There was

37 See also Walpole, I, 386.
reason," he thought, "for their complaint, and yet it was not thought right to permit the clamour of the people to prevent the execution of it." He added that he had "conducted very unwillingly the prosecution against some persons who had been concerned in the riotous resistance. They were executed, and this wholesome severity produced perfect quiet. The same conduct will have the same effect in N. America."

Norton’s statement brought Pitt to his feet. As to the Militia Act, he stated, "the clamour of the people would have been a bad ground for Parliament to have repealed it. It made its way principally from its own rectitude." With respect to the Grenville motion for an address to the King on the enforcement of the laws in America, he said: "I hope the motion will be withdrawn, . . . a motion so subversive of all right to debate, so void of candour, so contradictory to the general sense of this House. . . . You would put a load upon the King if you advised the King to do an impracticable thing, a nugatory thing or a destructive thing." He thereupon expressed the desire that "this motion may go to a division, because it will show the weakness of the wisdom . . . of a number of those who moved it." After indicating how inconsistent this motion would be with the ultimate repeal of the Stamp Act, he expressed his willingness to "restrict his wish for a division," while expressing his "hopes and wishes [that] his right honourable relation [Grenville] will respect his opinion." 38

Grenville felt called upon to answer "though the gentleman is withdrawn, 39 because he owes it to himself and to his own reputation." "If fewness of numbers [in support] is an argument against the motion," he declared, "what shall we say of the unconstitutional

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38 Walpole noted (I, 386) that Pitt "arrived under extreme pain," and that, after expressing his opposition to the address, "pressed Grenville to withdraw his motion; and then, excusing himself on his illness, went away."

39 When Pitt withdrew at the end of his remarks, without giving Grenville the opportunity to answer him in person, he gave offence to Grenville. Hearing of it, Pitt wrote a formal letter to his brother-in-law: "Mr. Pitt presents his compliments to Mr. Grenville, and understanding that his retiring from the Committee last night, when Mr. Grenville was beginning to speak, gave him displeasure, he desires to assure him that nothing could be further from his thoughts than to mark the least want of personal regard to Mr. Grenville, being, in truth, not in a condition to remain in the Committee, and having requested their leave to retire." W. J. Smith, ed., The Grenville Papers (London, 1852), III, 231. For Grenville’s equally formal reply, see ibid., 232.
language asserted by one honourable gentleman [Pitt in his speech in the House on January 14] and seconded by scarce one gentleman in this House?" Still referring to Pitt, he asked, "What about a man who says 'I am against it, the question is over'—is this decent, is this parliamentary?" Then, apparently addressing himself to Charles Yorke, he expressed his surprise "That a servant of the King should object to an address to the Crown to enforce all laws. . . . America would not have been in this condition if they [the colonials] had believed that we would enforce the law." They should not have been treated "in any other manner than we would have treated the subjects of this country. Whoever advises the King to give up his sovereignty over America is the greatest enemy to this country and will be accused by all posterity." He found "the Americans disputing the authority of this country and . . . willing to try how far their disobedience could reach." Affirming that he had not consulted his own interest at the time of the passing of the Stamp Act, he maintained that "The public interest might be consulted, but not that of individuals." "As to Burke's objection against all the resolutions," Grenville voiced wonder "to hear so young a Member object to the whole proceedings of the committee, and [especially since] half of them fall from the Ministry themselves, and in which he himself [Burke] has some share in supporting." He then stated his desire for "firm and temperate measures to prevent this scene of blood, which indecision and uncertainty will produce." "Let those who encourage America [in its resistance]," he said, "and have raised and increased this condition by such encouragement extricate us out of it, and God grant they may meet with success!" 40

Conway, in turn, defended the policy of the Ministry, declaring that "If other laws are not executed [in the colonies], the Stamp law has been principally the occasion for this disobedience." If the King, he continued, gave an order for all the laws to be executed in America, he "must obey such an order immediately, and to what a degree of dispair would the Americans be drove upon receiving such a confirmation of their melancholy apprehensions! If the Act of Parlia-

40 Walpole writes that Grenville "having checked a glorious war [referring to Grenville's support of the peace preliminaries in 1762], seemed to promise himself other triumphs over his countrymen, expatiated on the haughtiness of Pitt, and denounced [pronounced] curses on the Ministers that should sacrifice the sovereignty of Britain over her Colonies." Walpole, I, 386–387.
ment is attempted to be enforced, the Americans will no longer be colonists to this country.” His own opinion was opposed “to the [lack of] equity, . . . policy and justice of this [Stamp] Act.” “The Americans are the creatures of liberty,” he affirmed as he confessed he was “afraid of executing this Act.” “It is very easy,” he said, “not to be afraid at a distance of [2,000] miles.\textsuperscript{41} This may be bravery, but it is such as I do not much admire nor boast of. . . . Grenville says the man who shall give up the authority of Parliament in the present situation will be accused by all posterity.” While the speaker admitted his general agreement with this statement, he added that he differed “as to the measures which may tend to produce this effect.” “If we enforce the Stamp Act,” he warned, “we shall have a war in America, and the Bourbon league [France and Spain] will take this advantage.” Therefore, “a war with America would immediately be followed by a war with the continent.” As to the Stamp Act, which would bring on all these wars, it is “bad, ill-advised, pernicious and perhaps fatal.” Nevertheless, Conway said, he acquitted “Grenville of the least bad intention in doing it \textit{in passing it}.” Before taking his seat, he lamented the fact of the “bloody banner raised in this country \textit{(delenda est Carthage)},\textsuperscript{42} so that] no man is a friend to his country who is not an enemy of America.”\textsuperscript{43}

Robert Nugent,\textsuperscript{44} replying to the Secretary of State, asserted that he did “not believe there was faction in this House.” If one were looking for it, it was not “among those who supported the great power of government, but among those who call law option and attempt to disrupt the legislative authority of this country.” He declared his support of the Grenville address as “extremely proper,” and warned that “the earthquake in N. America will shake all his Majesty’s dominions.” He noted that “Some vibrations have been felt in Ireland,” and with irony affirmed that the “present Ministry will have the glory of joining two countries \textit{[America and Ireland]}

\textsuperscript{41} The Ryder text reads 2,000,000 miles.

\textsuperscript{42} Carthage must be destroyed.

\textsuperscript{43} According to Walpole (I, 387), Conway “retorted on the inhumanity of Grenville, and that sort of intrepidity that menaced two millions of people who were not in a situation to revenge themselves. . . .”

\textsuperscript{44} Nugent, a member from Bristol, was called “a notorious time-server” by Namier in his \textit{England in the Age of the American Revolution} (London, 1930), 383. In this case, Nugent was not lacking in forthrightness.
which the deluge separated.” He placed the blame for this unhappy situation on “Conway’s expression upon the day when the right [to impose the stamp tax] was asserted over N. America.”

It may be added that the debate on February 7 lasted until midnight. When the House divided on the Grenville motion, there were 134 in favor of it and 274 against it.

February 11, 1766

On this day the petition of the merchants of London was considered, and Barlow Trecothick was called as a witness for examination at the bar of the House. The Ryder notes on his remarks are lengthy. Trecothick, a prominent merchant, testified that he had lived in Boston from his seventh to his twenty-second year, then, after spending seven years in Jamaica, had returned to New England for three years before settling in London, where for twenty-three years he had been concerned with the North American trade. This great trade—amounting, according to his estimate, to between two and three million pounds sterling—he affirmed “is almost wholly stopped by the orders they [the Americans] have sent to the merchants here, . . . not to ship the goods [on order] unless the Stamp Act is repealed.” He also said that if the Stamp Act were enforced he would send no more goods to America, since as a result of confusion he would run a great risk of losing his consignments. His views, he stated, echoed those of the other London merchants. Americans, he believed, “think that the imposition of internal taxes ought to be confined to their own assembly” and yet would “submit, if the

45 The reference is to the debate in the spring of 1765 when Grenville proposed the bill for an American stamp tax, which Conway opposed, denying the right of Parliament to pass such a law. Walpole wrote that “Nugent argued on the danger of giving way: on the spirit of resistance this would infuse into the Irish; and on the contempt with which France would treat our demands, if we knew not how to govern our own subjects.” Walpole, I, 387.

46 Subsequent to Nugent’s address, according to Walpole, “Lord Granby declared for, and Sir George Saville against, the [Grenville] Address. Beckford was bitter on Grenville; and Norton so abusive on Yorke, that Sir Alexander Gilmour told him, . . . that he could have kept company with nothing but drunken porters.” Among those who favored the Grenville motion Walpole included “Lord Bute’s friends and all the Scotch and the Tories, and Lord Granby, and near a dozen of the King’s own servants. . . .” Ibid., 387. See also Charles Garth to the committee of correspondence of the Commons House of Assembly of South Carolina, Feb. 9, 1766, South Carolina Historical and Genealogical Magazine, XXVI, 89.

47 Ryder, Doc. 65.
Stamp Act was repealed, to many restrictions . . . necessary for the good of the mother country."

**February 12, 1766**

On February 12, Mr. Kelly, a member of the New York merchants' committee that had prepared a brief on the trade of that province to be laid before Parliament, appeared at the bar for examination. He testified that if the attempt to enforce the Stamp Act "either by military force or by the distress attending the want of stamps, the trade of this country [England] would be greatly affected, both for want of money and for other reasons, and at last [would] diminish to such as not to be worth our attention. And if the Act should be repealed [only] 2 or 3 years hence, it will not turn back the trade. . . . That by his Lord [!] all the people to a man are against the Act and think it unjust." He stated that he did not believe "the King has more loyal subjects than are in New York. That they make a distinction between internal taxes and some others. . . . That peace and satisfaction would be restored to the country in a great degree by the repeal of the Stamp Act, but not entirely, as they complain heavily of the Sugar Act [passed] in 1764. . . . By the late duty on molasses the price of rum is so much enhanced that trade is now lost. That a gallon of rum at the foreign islands is about 6 d., a gallon of rum at New York is about 14 d. or 15 d. . . . That 10 or 12 sails between 80 and 200 tons used to go from New York to Guinea before the late duty of 3 d. upon molasses; and other restrictions, and that none have gone the last year and none will go as he believes while this [the 3d. duty on molasses] continues." 49

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49 Ryder, Doc. 64.
The examination of witnesses continued with the appearance of a Mr. Balfour, a justice of the quorum of one of the Virginia county courts, who testified “that there are 500,000 persons in Virginia. That manufactures . . . increased or decreased [in Virginia] in proportion to the price that tobacco bears. . . . That the militia in Virginia are about 52,000 men. . . . That they export annually 60,000 hogsheads of tobacco. . . . That he neither thinks it the advantage nor the inclination of the Virginians to manufacture, and that if the Stamp Act is repealed, they would follow their duty like loyal subjects, but if not they would continue to act contrary to their own immediate interest. . . . That he does not believe any sense of distress will oblige the Virginians to submit to the Stamp Act, and that persons here who have debts owing to them from Virginia will not be able to recall them.”

Balfour was followed by Colonel George Mercer, who had been appointed a stamp distributor for Virginia in 1765. In his examination, he said that “several persons said the Stamp Act would produce in Virginia £45,000 [sterling] a year, and none less than £35,000, and that most persons said it would fall chiefly upon poor people . . . principally upon debtors and creditors. And that there was not specie in the province to pay one tenth of the tax. That he never heard of any persons forming [an] association to oppose any other tax or ever heard of any other Act opposed or the authority of Parliament questioned till the imposition of the Stamp Tax. That the militia of the province are about 52,000 men. . . . That he has been on duty with them and that they behaved very brave in action. . . . That he had heard the number of people in Virginia calculated to be above 400,000.” Grenville then asked Mercer “whether he would not be liable to damages upon his return to Virginia if he gave his evidence in favour of the Stamp Act.” Mercer asserted that “he knows the people so well that he does not believe he should be liable to damage for speaking the truth. . . . That the Stamp Act being an internal tax was one of the great objections against it.”

There was a James Balfour, gentleman, of the County of Elizabeth City, who in 1762 acted as a commissioner on elections in his county. See Journals of the House of Burgesses of Virginia, 1761-1765 (Richmond, Va., 1906), 73.

Ryder, Doc. 65.

Ibid.
The star witness among all those who appeared was Benjamin Franklin. His testimony is so well known that little need be said about it. In all, one hundred and seventy-four questions were put to him, most of them by opponents of the Stamp Act, but some by its supporters. According to his testimony as taken down by Ryder, "before 1763 . . . the persons in Philadelphia had made a distinction between internal taxes and duties, . . . the general conclusion was that the Parliament could not lay internal taxes upon them because it was not right nor constitutional. . . . That there is a distinction between internal and external taxes, that a man is left to his option more in paying one than the other. That the Americans have agreed to eat no lamb. . . . He thinks in three years there might be a quantity of wool raised in America sufficient to clothe all those who want clothing. That the Americans will think the resolution of both Houses [asserting the right of Parliament to tax the colonials] unconstitutional but yet would be satisfied with a repeal of the Stamp Act, because they would then consider themselves as in the case of Ireland over whom Parliament has asserted that power but has never thought fit to exercise it. . . . That . . . the Stamp Act cannot be carried into execution, either with or without a military force. For if a military force was to be sent there, it would find nobody there in arms, but you cannot force them to tax [take] stamps if they refuse it. . . . That they would not object to [a] duty laid upon importation . . . considering the sea as belonging to Great Britain, and anything passing that sea would be subject to Great Britain. . . . By the word taxes they have always considered

Franklin later recorded that many of the questions in the examination were raised by friends who had him repeat before the committee what he had said in private to them. In a letter to a friend, he sought to name the interrogators and the questions they asked. This letter was published in Robert Walsh, "Life of Franklin," Delaplaine's Repository of the Lives and Portraits of Distinguished American Characters, ed. by Joseph Delaplaine (Philadelphia, 1815-1816), II, 174-177. Franklin's remarks on his questioners were also reprinted in John Bigelow, ed., The Complete Works of Benjamin Franklin (New York and London, 1887-1888), III, 450-453. Bigelow gives another list (pp. 453-454) of those who questioned Franklin as written on the margin of a 1767 edition (without publisher's imprint) of The Examination of Doctor Benjamin Franklin; this list differs in some respects from that given by Walsh. Carl Van Doren, in his admirable Benjamin Franklin (New York, 1938), 336-352, leans on the Franklin letter used by Walsh in identifying the questioners.
internal taxes only, and when they mean external taxes they use the word duties.”

FEBRUARY 21–22, 1766

By the time the examination of witnesses had been concluded, six resolutions had been adopted, and still another resolution—proposed by Grenville, leader of the opposition to the government—had been defeated. On the evening of February 18, Secretary of State Conway had given notice that on the 21st he would propose a resolution “grounded upon the Result of this Important Scene which had been develop’d at the Bar; . . . .” This meant that, as a result of the information derived from the witnesses who appeared at the bar of the House of Commons, Conway was at last prepared to offer a final resolution for the consideration of the members. On the appointed day, he presented the following resolution:

That the House be moved, that leave be given to bring in a Bill to repeal an Act passed in the last session of parliament, entitled, An Act for granting and applying certain stamp duties, and other duties in the British colonies and plantations in America, toward further defraying the expenses of defending, protecting, and securing the same; and for amending such parts of several acts of parliament, relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.

Thus, the resolution called not only for the repeal of the Stamp Act but also for certain changes in other laws relating to the colonies.

In opening the discussion before a very full committee of the whole House, Conway made his only major address during the entire proceedings on the Stamp Act. Stressing the extent of the normal trade to North America and the debts—amounting to “between 4 and 5 millions”—owed there to British merchants, he agreed that £60,000

54 Ryder, Doc. 64. For what may be considered the official version of Franklin’s testimony, see The Examination of Doctor Benjamin Franklin . . . Relative to the Repeal of the Stamp Act, in 1766 (London, 1766), and A. H. Smythe, ed., The Writings of Benjamin Franklin (New York, 1905–1907), IV, 412–448. While Walpole does not mention the examination of witnesses in his account of the activities of the committee of the whole House, Garth summarizes briefly the information obtained from petitions of the merchants and the examination of witnesses at the bar. South Carolina Historical and Genealogical Magazine, XXVI, 89–90.

55 Ibid.

56 Parliamentary History of England, XVI, 162.
in revenue from the Stamp Act, were it enforced, "would be an object, but not such a one as to give up the Trade of this country and the liberty of America in the pursuit of it." While again admitting the "legal right" of taxation, he did "not wonder that Americans complain of it." It could be modified, he continued, and then "crammed down the throat of the watching Americans." "If the tax is confined to a tax on cards and dice [as had been suggested in the committee] the object will indeed be a small one," but he thought it "a right never to be exercised." Nevertheless, it is proper "to assert the right because we may possibly have occasion to exercise it in particular instances, though [he would] . . . never approve of its being made a measure of policy. . . ." "The rebellion in America could be subdued," he declared, "the force of this country is equal to it, but the conflict is death to both countries. Our forces in America are but about 5,000 men scattered over that immense continent. The men able to carry arms in America are great in number. Many of them have served in the American war. Many indeed of our own military forces are Americans and would be little disposed to fight against their countrymen. . . . If we were engaged in a civil war in America, a French and Spanish war would be the consequence, and this connected with an American war would be absolute ruin to this country. . . . The Americans in general were," he concluded, "dutiful, loyal and affectionate people to this country."57

57 Ryder, Doc. 64; subsequent discussion on the resolution is also from Document 64. Garth, without specifying any of Conway's remarks, wrote: "after a brief Recapitulation of the most material Points given in Evidence he [Conway] mov'd his Resolution, viz: 'That it is the Opinion of this Committee that the House be mov'd for leave to bring in a bill to Repeal an Act pass'd in the 5th Year of his present Majesty's Reign entitled an Act for imposing certain Stamp Duties, etc. etc. in America.'" South Carolina Historical and Genealogical Magazine, XXVI, 90. Walpole's account of the Conway address to the committee is even fuller than Ryder's. According to it, the speaker, among other things, denounced the Stamp Act in strong terms: "... every part of the Act breathed oppression. It annihilated juries; and the Admiralty courts might drag a man three hundred miles from his habitation. The fisheries were in equal danger. The right of taxation he did not doubt would be given for us in Westminster Hall; but the conflict would ruin both countries. We had but five thousand men in three thousand miles of territory; the Americans a hundred and fifty thousand fighting men. If we did not repeal the Act, he did not doubt but France and Spain would declare war, and protect the Americans." Walpole, I, 391–392.

It is interesting to note that London agent William Bollan must have heard rumors of the content of the secret debates, with their emphasis upon the possibility of European involvement should a war develop from an attempt to enforce the Stamp Act; for, in a letter to Thomas Hutchinson on Mar. 1, 1766, he refers to the likely total repeal of the Act by a majority
In the discussion that followed, Grey Cooper observed that the "Americans are ... in a situation to be [our] best friend or worst enemy." Charles Jenkinson, who occupied the same post under Grenville as that now held by Cooper and had played a part in framing the Stamp Act, presented the dilemma that faced Parliament with respect to enforcement of the Act: "If we do not repeal it, the disorder in America, the distress of our manufactures at home" would continue. "If we do repeal it, no Minister will venture to tax them again. The Americans will never submit when they see resistance is the best argument for relief, and you will have the same argument urged not against this law alone but against every other which they do not perfectly approve of." "We have asserted our right," he said, "and a right which is never properly exercised is no right at all, and yet this seems the doctrine of many of those who have joined in the assertion of it. Whether this is a proper time for taxing America, supposing the right established, depends on the relative ability of this country and of America." The speaker then stressed the "Unhappy state of our finances." "Grenville thought he had found a means which though small in its produce at present might in future be very fruitful. . . . If America had been obliged to pay the whole expense of the troops employed for her defence at this time, it would not have been beyond her ability, but the Stamp Act was intended to charge them but a very small part of it. The present time [seemed] the properest to tax the colonies, when they were grown able to bear it and yet not strong enough to resist it. If some tax was proper, the Stamp Duty [was] as proper or more proper than others."

Attorney General Yorke thereupon asserted that any man "actuated by any principle than that of real lasting advantage to his country, who is actuated by a spirit of opposition on the one hand

in the House of Commons, "the greater part, if not the whole, being influenced by European rather than American reasons." Hutchinson Correspondence, Massachusetts Archives, Vol. 25, 63. On the other hand, London agent Garth was more wary of mentioning the potentiality of France and Spain coming to the aid of the colonies in the event of a war; for, in his letter to the Maryland members of the Stamp Act Congress, Mar. 5, 1766, he reports one of the chief arguments for repeal as being "the impracticability of enforcing this Law throughout the [American] Continent without a Military Force, [and] the impending and sure Ruin from a conflict of that Nature to both [sides]. . . ." Maryland Historical Magazine, VI, 303.
or a spirit of recrimination on the other, does not deserve to have a voice upon this occasion.” “We have only a choice of political evils,” he declared, “and the repeal of this Act seems upon the whole liable to the least objection.” He admitted that he “Approved of the Bill at first as tending to ease this country without burdening America.” He also “Wished at first for some alterations in the Bill, but from the best account[s] he has seen he does not think these would be sufficient. These alterations would only show our weakness, without calming the present madness, and make ourselves less able to enforce the little remains of the Bill which would then be left.”

Yorke was supported by Edmund Burke, who declared that any proper “system of government with respect to the plantations effectually excludes taxation.” What with the “monopoly of their trade . . . we get all that we can have from the plantations.”

Pitt then took the floor to echo the fact that the issue presented “Only a choice of evils, . . . .” He declared that his decision was easy, because he saw the smallest of these evils standing as “a feeble isthmus against English—and American violence.” “Throw the rod away and shame them to submission; if that will not be effectual, you must use the power of this country to force them to obedience. Give them satisfaction in one point in order to make your stand upon better ground. You must communicate to America that if she shall dare not be contented with the repeal of the Act, we will teach her to submit.” Pitt went on to state that he would “second any vigorous resolution and . . . vote for employing the last ship and the last man in this country to force their perfect obedience. . . .” Then, in a gesture of apparent good will to his brother-in-law, Grenville, he affirmed that he did “not blame the first proposers of this Bill.” On the contrary, he “applauds the intention. But if there has been an error, the next merit after error is a timely and dignified retreat.” After referring to the distress of British manufacturers, he begged his colleagues to follow the advice of Conway and “retire to better and stronger ground. . . .” “There never was an instance,” he maintained, “where the whole country was united to the man in a revolt as in the case of America. It was not so in our country in the civil war. As to their resisting the Navigation Act, it is probable it may not happen. If it does, it is certain that we shall act against them with the whole force of this country. If we repeal the Act, we shall
have all the sober part of America on our side, and we shall easily be able to chastise the few hot-headed republicans among them."  

Grenville, according to Ryder, stressed the ability of the colonies to pay the stamp duties in light of the fact that since the war they had paid off £1,800,000 of their public debt. He also blamed the Ministry for not acting upon a resolution of July 5, 1765, in favor of setting up three vice-admiralty courts in America in places convenient for the Americans, with the judges of these courts receiving salaries instead of a proportion of the value of the condemned ships and cargoes.

The debate being terminated at "half an hour past one in the morning" of February 22, the question was put "whether the word Repeal stands a part of the [seventh] resolution, and it was carried in the affirmative upon a division by 275 to 167."

Thus, the momentous debate was brought to a termination so far as the House of Commons was concerned. It is true that when, after the week end, the committee reported the resolutions to the House in open session on February 24, there were speeches for and against the decisions taken, but they amounted to little more than remarks for the record, permitting those who had fought the issues out privately in the committee of the whole to voice their views to the public. On that date, leave was given in the House to bring in a bill to repeal the Stamp Act. Between February 24 and 28, work on the Repeal Bill and the Declaratory Bill proceeded in committee, and the discussions thereon were reported in detail by Ryder. On March 4 the bill for the repeal of the Stamp Act was passed in the

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58 Walpole gives a little different version of Pitt's remarks: Pitt "acknowledged his perplexity in making an option between two such ineligible alternatives, pronounced, however, for repeal, as due to the liberty of unrepresented subjects, and in gratitude to their having supported England through three wars. He begged to stand a feeble isthmus between English partiality and American violence. He would give the latter satisfaction in this point only. If America afterwards should dare to resist, he would second a resolution of the most vigorous nature to compel her with every man and every ship in this country." Walpole, I, 392.

59 Walpole noted that Grenville "pushed the Ministers home with giving up the brightest jewel of the Crown, the right of taxation. How would they justify it to his Majesty?—how to future Administrations?" *Ibid.*

60 Garth wrote "that about Two in the morning the Question was put. . . ." *South Carolina Historical and Genealogical Magazine*, XXVI, 90.

61 See also *ibid.*, and Walpole, I, 392.
House of Commons. The debates that took place in the House of Lords over the resolutions adopted in the lower house were heated, but they produced no alterations or modifications. The bill was given royal assent on March 8.

In following these secret debates, one is led to deduce that the economic consideration was not the leading cause for the resolution repealing the Stamp Act—despite the effectiveness of the pressure of public opinion upon the members in open session, especially on Edmund Burke, created by the unhappy situation of the British merchants. A review of the details of the debates in the committee of the whole House reveals that one of the considerations having great influence not only upon the Ministry but also upon the members of the House of Commons was the military factor. It became clear that with the relatively small number of British regulars deployed over a vast area of North America as compared to the potential strength of the colonies, now possessing many thousands of men trained in the use of arms, the military position of Great Britain in the thirteen colonies was a weak one. With this revelation came the conviction that should action be taken against the colonials to enforce the Stamp Act, they would turn to France and Spain for help, which would be granted. The mother country thus had to face the probability, which subsequent events were to substantiate in 1777, that any attempt to subdue a colonial revolt under these disadvantageous conditions would lead to the outbreak of a new European war, a war of revenge.

Despite this probability, even William Pitt, who had strongly supported repeal, took the position that if, after the favor of the Stamp Act repeal had been granted to them, the Americans should dare resist the enforcement of the trade and navigation acts, he would give his approval to the use of every bit of force that Great Britain could command against them. Clearly, Parliament in general still held the paternalistic view of looking upon the Americans as immature, recalcitrant children. In the secret parliamentary debates, however, certain members not only saw the serious threat to their mercantile system but, what is even more important, they also foresaw the seriousness of a potential military involvement. Undoubtedly, the deep apprehension of European participation in a war resulting from any attempt to enforce the Stamp Act, which General
Conway, leader in the House of Commons, had voiced so clearly in his major speech, had continued to ring in the ears of the members and to sway the final vote for repeal. Yet, the only member of the House who seemed to realize fully the implications of such a war and the degree of maturity the older North American colonies had attained was Isaac Barré. It was Barré who, according to Ryder, declared that British North America had become a powerful commonwealth, that if, in the face of the crisis that had developed, this commonwealth were to submit to enforcement of the Act by the government of Great Britain "with high words only, the discontent" would remain, and, therefore, that proper enforcement would entail "drawing the sword" against the colonies immediately. But such a step was never contemplated by Barré, who warned with General Conway that using force against the colonies would involve the risk of a widespread war: "The French think you will be bold and wrong-headed enough to force your colonies, . . . to a submission. . . . The Spaniards think you are running yourselves upon the Spanish Punctilio. You will cut the throats of the gallant though undisciplined companions of your former glory. . . . All colonies have their date of independence. . . . The wisdom or folly of our conduct may make it sooner or later."62

62 Ryder, Doc. 62.