

No Taxation without Representation: 1768 Petition, Memorial, and Remonstrance

Henry M. Gladney ¹

A remarkable 1769 tripartite imprint surfaced in 1994 auction, for sale by heirs of David Hartley, the official British signatory of the 1783 *Treaty of Paris* that formally ended the American Revolution. Called *Petition to His Majesty, Memorial to the House of Lords*, and *Remonstrance to the House of Commons (PMR)*, this missive came from the Virginia House of Burgesses whose membership included George Washington and Thomas Jefferson.

This 1768 protest had come into official existence during a short lapse in British colonial controls. London news about it was suppressed by Colonial Secretary Hillsborough acting on King George III's wishes. In a 1998 visit to the U.K. Public Record Office, a colleague and I discovered this original, which had been sent from Virginia to England in 1768, and many closely related 18th-century manuscripts.

PMR history illustrates difficult communications leading to the American Revolution. Its points were reiterated in the *Declaration of Independence*. Not co-incidentally, Thomas Jefferson and other Virginia signers of the *Declaration* had participated in drawing up this 1768 protest.

No Taxation without Representation makes available photographs of both the 1769 **PMR** imprint and the 1768 manuscript original, together with similar protests from other American colonies. It also links to supporting 18th-century documents.

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Excerpt from the 1769 *Petition* imprint

↻ The following PETITION, MEMORIAL, and REMONSTRANCE, were ordered by the HOUSE of BURGESSES not to be published with the JOURNALS until the 25th of *December*, before which Time it was supposed they would be laid before his MAJESTY, and both Houses of Parliament.

G. WYTHER, Cl. H. B.

P E T I T I O N
T O H I S
M A J E S T Y.

To the KING's MOST EXCELLENT
MAJESTY.

MOST GRACIOUS SOVEREIGN,

YOUR Majesty's most loyal and dutiful Subjects, the COUNCIL, and the BURGESSES of *Virginia*, now met in General Assembly, not discouraged by a too well grounded Apprehension that their Conduct has been unfavourably represented to your Royal Ear, but relying with the most implicit Confidence on your Majesty's known Justice, and the Justice of all your loving Subjects, how far we are obliged to your Royal Preference

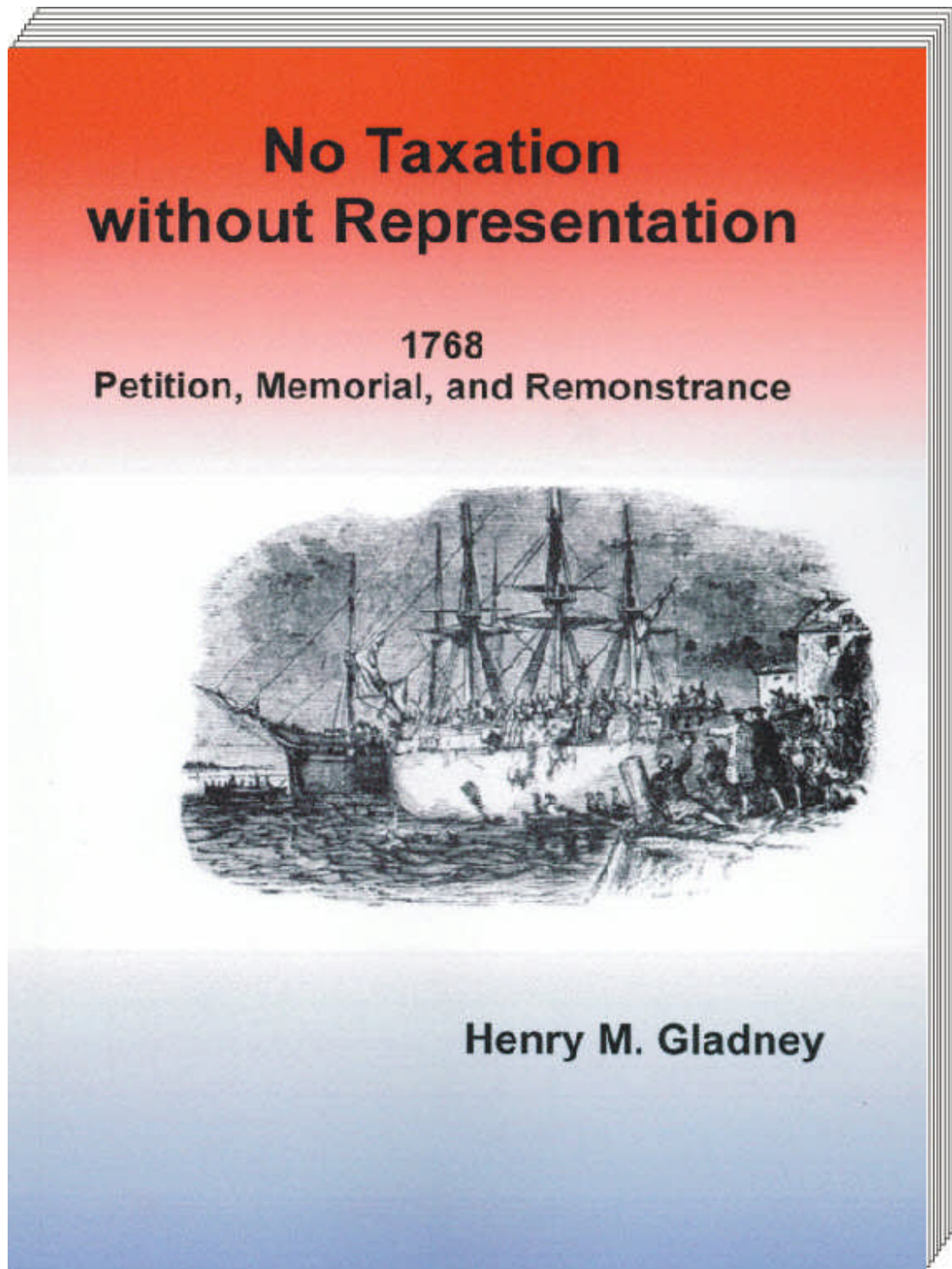
The COUNCIL, and
The BURGESSES and REPRESENTATIVES
of the PEOPLE of VIRGINIA.

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⁴ See also http://www.hgladney.com/Webpages_for_NoTaxation.htm

Front of Book and Author's Resumé



Henry Gladney was born in Czechoslovakia, grew up in Canada, and studied at the University of Toronto and Princeton University before joining IBM Research in 1963, where his work gradually evolved from chemical physics to computer science. With collaborators, he invented a real-time time-sharing system used in 16,000 large computers (1968), widely emulated access control software (1975), and digital library services that became IBM's *Content Manager*

offering (1993). After leaving IBM, he designed the first reliable long-term preservation method for digital documents (2002).

Gladney is the author of 100 peer-reviewed works and two books, *Preserving Digital Information* (2007) and *No Taxation without Representation: 1768 Petition, Memorial, and Remonstrance* (2014).

Historical Overview (chapter excerpts)

[L]evying money for ... the crown by pretense of prerogative, without grant of parliament ... is illegal.

Modern notions of political independence and citizens' rights descend from the 1689 *English Bill of Rights*. "No taxation without representation", reflects its fourth provision, quoted above. New York's Assembly had passed a *Charter of Liberties and Privileges* earlier—in 1683. In unambiguously bold language, its authors asserted that "supreme legislative power should forever be and reside in the Governor, council and people, met in general assembly", and then enumerated other citizens' rights—trial by jury, exemption from martial law and quartering of soldiers, and toleration of Christian religions. Its 14th resolution was a version of "no taxation without representation". James II disallowed this charter shortly before his 1688 overthrow. Historians often overlook this start of American constitutional politics, even as they trumpet actions by Massachusetts statesmen who asserted its ideas half a century later.

The Treaty of Paris, ending the Franco-British War in 1763, left Britain the most powerful empire in the world. In America, her victory meant the acquisition of all French territory east of the Mississippi. However, difficulties with Indians ... led the Privy Council to ... discourage immediate settlement, hoping to eliminate tensions ..., unwilling to have settlers occupy lands where English rule could not yet be enforced. [The *Proclamation of 1763*] prohibited settlement beyond the Appalachian crest, ... Though [this provision] was intended to be temporary, it seemed to the colonial governments to deprive them of lands that had been given them [in] their original charters,
The Annual Register ... for the Year 1763, p. 208

... ..

England and France had been building toward conflict in America since 1689. Britain gained immensely by the *Seven Years War* (known in America as the *French and Indian War*), but incurred large debt in doing so. ...

[I]t is expedient that new ... 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.
Sugar Act Preamble

Saddled with huge national debt and doubling expenditures, Parliament sought tax revenue to pay British debts, repealing each attempt soon after it heard of Colonial objections—the 1764 *Sugar Act*, the 1765 *Stamp Act*, the 1767 *Townshend Duties*, the 1773 *Tea Act*, and finally the 1774 *Quebec Act*. Colonial assemblies felt forced to defend privileges they had won from the crown. Early objections emphasized the taxes themselves, later ones constitutional issues.

Under one administration the stamp act is made; under the second it is repealed; under the third, in spite of all experience, a new mode of taxing the colonies is invented, and a question revived, which ought to have been buried in oblivion. In these circumstances a new office is established for the business of the plantations, and the Earl of Hillsborough called forth, at a most critical season, to govern America.
Letters to Junius, 21st Jan 69

In 1764, George Grenville, then First Minister, drafted tax legislation, but delayed it for a year during discussions with colonial agents. Passed on 22nd Mar 65 and scheduled to go into effect on 1st Nov 65, the *Stamp Act* taxed legal and commercial documents, newspapers, books, dice, and playing cards. Had the Ministry wanted to annoy all segments of the population, it could not have done a better job. When the *Virginia Resolves* were published in colonial newspapers, reactions were immediate, and merchants refused to buy the required stamps. Parliament repealed the *Stamp Act* on 18th Mar 66.

Starting in 1766 the colonies tried non-importation agreements. These helped induce *Stamp Act* repeal because English merchants lost money shipping goods to destinations that would not accept them. Non-importation peaked in 1768 in response to the *Townshend Revenue Act*, with every port city and nearly every region adopting its own agreement. However, making non-importation agreements stick was difficult. Although firmly supported in the agricultural hinterlands, early agreements collapsed. Some merchants demanded exorbitant prices for clothing that had been on their shelves for years; some defied the rules by importing goods, to the chagrin of those who complied.

The colonies paid little attention to the *Declaratory Resolution* of 18th Mar 66. In this statement Parliament asserted that it “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”—words asserting right to tax the colonies even though the colonies had no Parliamentary representation.

Although official news of the *Townshend Acts* reached North America in Sept 67, creating uproar, organized colonial protests began only in 1768. Between 2nd Dec 67 and 15th Feb 68, the *Pennsylvania Chronicle* published twelve essays by John Dickinson; his *Letters from a Farmer in Pennsylvania*, which argued that “Parliament had no right to impose taxes, only duties to encourage and regulate trade”, were reprinted throughout colonial America. Well aware that the Pennsylvania legislature would not vigorously challenge the Townshend duties, Dickinson sought Massachusetts help. He wrote James Otis that he expected Massachusetts would again take the lead in “the Cause of American Freedom”, and was not disappointed. On 20th Jan 68, the Massachusetts Assembly petitioned the King to repeal the legislation.

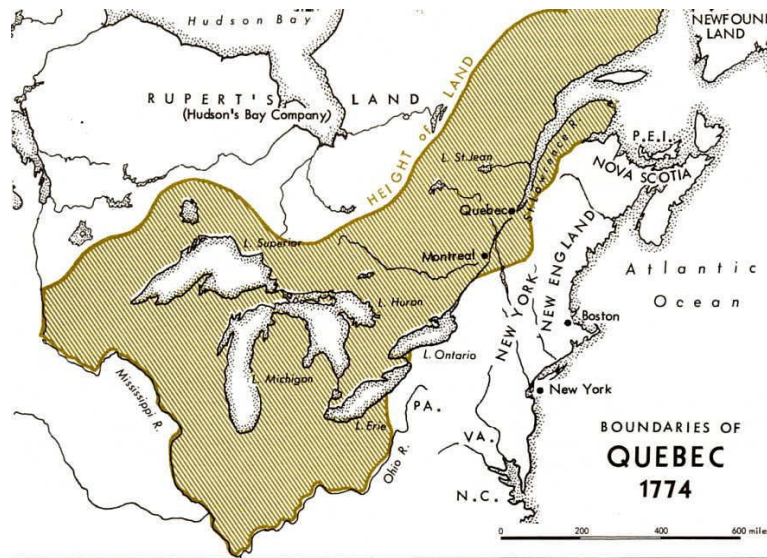
Boston’s Samuel Adams wrote that colonial objections “should harmonize with each other” in an 11th Feb 68 missive. Today called the *Massachusetts Circular Letter*, this invited every colony to cooperate in resistance. The British ordered the Massachusetts assembly to rescind the letter. It refused, and its royal governor dissolved it. This was part of what led Virginia, whose Burgesses were acutely conscious of their legislative privileges, to generate its **PMR** protests on 14th April 68, and to notify sister colonies with its own circular letter.

... ..

The 10th May 73 *Tea Act* granted a British Empire tea monopoly to the near-bankrupt East India Company and also continued a 3-pence-per-pound duty on tea, a hold-over from *Townshend Duties*. Philadelphians protested en masse in October. Bostonians endorsed this protest and tried to persuade their English tea agents to resign, but failed. On 16th Dec, after Governor Thomas Hutchinson blocked an attempt to force the tea transport *Dartmouth*, still loaded, to return to England, activists disguised as Mohawk Indians boarded three ships and dumped 342 containers of tea into the harbor

The Boston Tea Party. It was an open challenge to British authority beyond the earlier disputes over taxation, shocking British public opinion. Opposition politicians, such as Chatham and Rockingham, were as appalled as government supporters. In Mar 74 Benjamin Franklin reported, “We never had, since we were a people, so few friends in Britain. The violent destruction of the tea seems to have united all parties here against our province.”

Fig. 1: 1774 boundaries of Quebec



The 20th May 74 *Quebec Act* expanded that province to include today’s southern Ontario, Illinois, Indiana, Michigan, Ohio, Wisconsin and Minnesota (Fig. 1) and guaranteed free practice of Catholicism and French civil law. English colonists saw this and measures designed to punish for the Boston Tea Party, as part of a plot that they called the “Intolerable” or “Coercive Acts”. These Acts closed the port of Boston temporarily, annulled the charter of Massachusetts, closed its Assembly, authorized transport to England for trial of criminal defendants, and legalized quartering of troops in private homes.

The Quebec Act was bound to be regarded as one in purpose with its fellows and perhaps the most odious ... It was not to be expected that [colonists] should [think of] the diplomatic situation in far-off Europe [or] the possible recrudescence of the old danger to themselves from France ... They jumped to the conclusion that the object of the Act was to make Canada ... an instrument for the destruction of freedom throughout the continent... . Intent on their own injuries, knowing nothing of the problem in Canada except the grievances of their British friends, they naturally looked ... for further proof of its hostility to them ... To them the French-Canadians were still relentless enemies of border warfare rather than fellow subjects. Why then, except with a sinister design, should British ministers strive to conciliate these aliens at the very moment they ... antagonizing their own kinsmen? For what other reason should British ministers cosset and suborn a Church which Puritan New England hated? ...

It was mainly ... among the extremists ... in Massachusetts that the Act was instantly and sweepingly condemned. There were ‘loyalists’ in every district prepared to support the [British] Government in this as in its other measures; and the temper of those who ultimately joined in the rebellion was not yet anywhere so much inflamed as it was in Boston. [Coupland p.118]

A response to the *Intolerable Acts* was creation of the *Continental Congress*, a convention of delegates from the Thirteen Colonies, meeting from 1774 to 1789 in several sessions. Delegates to the *1st Congress* included George Washington, Patrick Henry, John Adams, Samuel Adams, Joseph Galloway and John Dickinson. Peyton Randolph was chosen its president. This Congress repeated what was by then a conventional tax protest, both in its resolutions and in a later *Petition to the King*:

By several Acts of Parliament made in the fourth, fifth, sixth, seventh, and eighth years of your Majesty’s Reign, Duties are imposed on us for the purpose of raising a Revenue, and the powers of Admiralty and Vice Admiralty Courts are extended beyond their ancient limits, whereby our property is taken from us without our consent; the trial by jury, in many civil cases, is abolished; enormous forfeitures are incurred for slight offences; vexatious informers are exempted from paying damages, to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

1st Congressional Congress Resolves, 14th Oct 74

The *2nd Continental Congress* progressed during 1775-76 winter:

Aware that Toryism was hindering ... the local emergency governments, the Continental Congress ... sought to strengthen the locals in measures to suppress the Tory faction. The lot of Loyalists in that chaotic time was hard, and would have been harder if the bitter feelings of Patriots against Loyalists found full vent in action... . In May 1776, Continental Congress felt that there was only one way of clearing the situation, and of gauging American forces and resources properly. While regretting that the course carried them farther and farther from the mother country, [it] recognized that a *Declaration of Independence* could not be delayed; also that the future pointed to absolute independence as the only satisfactory means of gaining and perpetuating their right of untrammelled government. So they recommended to each colony that prompt steps be taken to adopt State constitutions, and erect permanent State governments.

[Sullivan pp.1443-4]

Though at first divided over breaking from Crown rule, the 3rd Congress on 4th July unanimously approved the *Declaration of Independence*, and sketched future U.S. Government organization. It also established a Continental Army, appointed George Washington its commander, declared war with Britain, made a military treaty with France, and funded war with loans and paper money.

Massachusetts and Virginia, most populous and wealthy, had the greatest influence; of the first six U.S. Presidents, four came from Virginia and two from Massachusetts.

Political Tone

After winning the *Seven Years War*, British attention shifted to Imperial policy—managing its Empire to the best advantage of all its parts. However, it did not explain this objective to the colonies, and made little effort to persuade them how they would benefit. British politicians might have been generously motivated; however, like distant lovers, Parliament and the colonies spoke past each other.

... To Americans, the King was a distant figure, as were titled aristocrats; those they met were royal appointees who expected to return to England. The colonies had three classes: wealthy gentry, the rest of the white population, and blacks (slaves and freemen) who were denied most civil rights. Colonial assembly representatives were mostly from the gentry, as merchants and farmers could ill afford to be away from home for legislative sessions. Male property-owners were generally enfranchised.

Separation by an ocean and colonial growth patterns account for such differences, and also for different expectations in the colonies than in Parliament. The colonies had grown slowly for about 150 years. For most of this period there had been little reason for Britain to assert political control. Left alone, the colonies had grown accustomed to making their own laws. It came as a shock when, in the 1760s, Britain suddenly attempted direct government. ...

Travel and Timeline

An ideal history would recount events in chronological order. Such an account of the 18th century would be difficult because not all episodes were neatly sequential. Occurrences overlapped. Concurrent events shared remote causes. Independent events contributed to many a later effect. ... Today we hear yesterday's news today, sometimes watch events as they unfold, or even hear them predicted, as were the Philippine typhoon disasters of 2013. Mid-18th-century news between American colonies propagated only in days or longer, and news from London was enroute six weeks or longer.

By Oct 54, three riders left each city three days a week and completed the trip in thirty-three hours. By 1764 ... the Philadelphia-New York post had doubled in speed—a strategic [change]. By the 1750s mail went at least once a week between Boston and New York in summer and bi-weekly in winter. One contemporary remarked, “Answers may be obtained in three weeks which used to require six weeks”. [Kammen]

These problems were understood at the time. On 27th Aug 68, Massachusetts Governor Bernard wrote to Lord Barrington, “the June Packet is not yet come in, tho' it is now 11 Weeks since it left London. It is become a most dilatory Conveyance”. ...

A striking feature of the New York newspapers after Apr 65 is the extraordinary attention given to ... what was taking place and being said in other colonies. Little wonder that the Stamp Act Congress met at New York City. Nor is it surprising that events in New York had considerable emotional and political impact upon its neighbors. John Dickinson's widely read *Letters from a Farmer in Pennsylvania* ... derived important constitutional arguments from the circumstances of New York's legislature being suspended without the colonists' prior acquiescence. [Kammen]

... ..

Since the early 18th century, each colony had paid a London agent to manage communication between its assembly and the British government. Such agents negotiated with ministries, to whom they explained colonial needs and resources, trying to head off objectionable policies. Their main contacts were with the Board of Trade, where they handled land problems, border disputes, military affairs, and Indian affairs. They also handled Privy Council appeal cases.

The most famous agent was Benjamin Franklin, employed for 15 years by Pennsylvania, and later also by Georgia, New Jersey, and Massachusetts. Others included Richard Jackson, an English lawyer representing Connecticut, and Charles Pinckney, representing South Carolina.

The colonies needed to manage official correspondence in order to coordinate responses to Britain and, later, to share emerging revolutionary plans. Massachusetts' *Committee of Correspondence*, organized in Nov 72 by Samuel Adams, became a model for other colonies. Virginia followed in Mar 73 and sent a copy of its enabling resolutions to every other colony, urging each to appoint its own committee. ...