

Chapter 7

The Stamp Act and Virtual Representation

Convinced that the colonies were not paying a fair share of the costs for their defense and protection, parliament took a fateful step in March 1765 and passed a tax on the colonies. Unlike former taxes, this one was not intended to regulate trade, but to raise money. This act required that colonists buy stamps that were to be attached to newspapers, legal documents, and items such as dice, playing cards and goods scheduled for export. The British had been paying similar taxes for 100 years. Parliament expected to collect £100,000 from this tax. Since this amount was only about one-third

of the cost of defending the colonies, Parliament thought the tax both reasonable and just. The colonies, however, had never paid direct taxes to England and feared this law established a dangerous precedent.

The colonists argued that they were not represented in Parliament and that they should therefore not be taxed. The colonists felt that once they paid one tax, England would impose an over-whelming financial burden on them.

The British refused to accept the colonists' arguments. The colonies paid about 1/20th of the taxes paid by the people



living in England. The colonists on the average were wealthier than the British and thus could afford to pay higher taxes. Furthermore, many Englishmen could not vote because they did not meet the British property requirements and because of peculiarities of English law entire cities in England (such as Manchester and Leeds) sent no representatives whatsoever to Parliament. In England every member of Parliament was supposed to represent not only his own district, but the entire nation. This was called 'virtual representation.' Why, the British asked, if virtual representation was good enough for the people living in Manchester, shouldn't it serve for the people living in Boston?

The colonists completely rejected the argument of virtual representation and opposed the tax on Stamps. But they could not suggest another way for England to raise more money. This chapter presents the arguments both for and against the Stamp Act and asks the readers to form their own opinions. In this very important issue which led to the Revolution—who had the best arguments, the British or the colonists?

The Stamp Act

The Stamp Act, passed in March 1765, was scheduled to take effect the following November. It stated that stamps of certain values had to be bought and attached to a large number of items used in daily life. The list included the following:

Stamp Act Charges

For any declaration or pleading in Court	3 pence
For a university, college, or other degree	2 pounds
For any claim or pleading in admiralty court	1 shilling
For a listen to practice law in Court	10 pounds
For a bill of lading to be signed for goods exported	4 pence
For a pack of playing cards	1 shilling
For every pair of dice	2 shillings
For every newspaper or pamphlet printed	1/2 pence *

* The reader may wish to note, that 1 pound in money of that day was equivalent to about \$200 today. 20 shillings were equal to a pound, so a shilling would be equal to about \$10.00; 12 pence were equal to a shilling, so a pence would be about 80 cents

The British Case for the Act

Here, in edited form, is the argument for the Stamp Act, as it was written by Soame Jenyns, a member of Parliament:

The major argument used by the colonists which, like a carter pin, holds their entire case together, is that no Englishman is or can be taxed without his consent. I will prove this argument wrong and thereby collapse their whole case. When the colonists say that no one can be taxed without their consent, they must mean one of three things:

1. He can not be taxed without his consent as an individual; or
2. He can not be taxed without the consent of the people he chooses to represent him; or
3. He cannot be taxed unless the majority of the people who are elected to represent him, agree to the tax. I will show that all three of these arguments or ideas are false.

First, it is obviously not true that no Englishman can be taxed unless he, as an individual agrees. This is really the very reverse of the truth, for what man in his right mind wants to be taxed? Certainly, no Englishman wants to pay taxes.

Second, that no Englishman can be taxed except by the consent of the people who represent him. To prove this false, we must only look at the cider riots in England of this past year where English farmers revolted against paying taxes imposed by their representatives in Parliament.

Third, the argument that no Englishman can be taxed unless the majority of people elected by him agree, is also false. Every Englishman is taxed, but only one in twenty can vote. Those under twenty-one are taxed, and they don't vote. Englishmen who don't own property are taxed and they don't vote. Manchester, Birmingham, and many of our most prosperous towns send no members to Parliament, but are they not Englishmen? And don't they pay taxes?

It has been said that those in England who do not vote are represented by people like them who actually do vote. A merchant in Manchester is represented by merchants in London who vote. The men without property in England are represented by the men with property who vote.

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The Colonists' Case against the Act

Here, in edited form, is the argument against the Act. It was written by Daniel Dulany a lawyer' from Maryland:

The English argue that they can tax us because they tax other Englishmen who cannot send representatives to Parliament. I shall prove that argument is false. The virtual representation argument is like a spider web - it will catch the weak, but not the strong.

The Englishmen who are taxed but do not vote in Parliament may become voters. A man in England who has no property may acquire property. An Englishman who cannot vote because he lives in Birmingham or in Manchester, can move to London. Furthermore the Englishman who can not vote is not that different from the Englishman who can vote

But there is no close connection between the Englishmen who live in England and those who live in the colonies. England is an island, 3,000 miles from the colonies, a continent. Not a single voter in England might be affected by a tax that he chooses to put on the colonies. Once he has learned that he can shift the burden of some of his taxes onto the colonies, he can shift the burden of all of his taxes onto them. He can therefore make the colonies pay the entire cost of the English government, without affecting any friend, relative, or neighbor.

Much is made of the argument that the colonies enjoy the protection of the British navy and the British army. But, aren't we already paying for this through unfavorable mercantilist laws? We are not protesting these laws. We are merely saying that we already pay a good deal to England by restrictions on our trade, manufacturing, and shipping. These are indirect taxes that we are paying. But we cannot allow England to lay a direct tax on us.

England may have protected us during the French and Indian War, but they fought the war for their own good, not ours. It was they who sought land in order to get more gold and silver. Why should we pay for the kind of protection that we did not even want.

British Case	Colonists' Case
This is known as the principle of <i>virtual representation</i>. If virtual representation works for England, why can it not work for the colonists? If the idea of virtual representation can travel 300 miles between Birmingham and London, why can it not travel the 3,000 miles between London and Boston? If the principles of virtual representation works for Manchester and Birmingham, why can't it work for New York and Philadelphia? <i>Why should the colonies demand rights that other Englishmen don't have?</i> Aren't the colonists Englishmen? Don't they enjoy the protection of the British navy and army? Didn't the Empire just fight an expensive war mainly for the purpose of defending the colonies? Shouldn't the colonies pay for their protection just like other Englishmen?¹⁰	Finally, we do not find the argument that we are asking for rights that Englishmen don't have very convincing. If they do not have the right of not being taxed without representation, they should have that right. We are not only asking for rights of other Englishmen. <i>We are asking for God-given, inalienable rights.</i> We are insisting on the right to protect our property from unfair taxation.¹¹ NO TAXATION WITHOUT REPRESENTATION!

Suggested Student Exercises:

- Define or identify and briefly show the importance to the chapter of each of the following:
 - Stamp Act charges
 - compare taxes
 - who votes
 - virtual representation
 - mercantile laws
 - can Englishmen represent colonists?
 - protection
 - "no taxation without ----" means?
- Analyze the virtual representation argument, citing both the arguments for and against it. Does the argument survive close inspection? Explain.
- Is there a valid response to the British argument that the colonists, like all Englishmen, benefited from living within the Empire and should pay taxes to support it?
- Does it seem that the colonists were sincere when claiming they were asking for inalienable, God-given rights, or does it seem they were forced into this argument because Jenyns and others had shown they were asking for rights as Englishmen that the British did not have?
- Prepare to debate the issues raised in this chapter.

¹⁰Adopted from Soame Jenyns, *The Objections to the Taxation Considered*, quoted in Clarence L. Ver Steeg and Richard Hofstadter, ed., *Great Issues in American History, From Revolution to Settlement*, Random House, New York, 1969, pp. 407-10.

¹¹Adopted from, Daniel Dulany, *Considerations*, quoted in Clarence L. Ver Steeg and Richard Hofstadter, ed., *Great Issues in American History, From Revolution to Settlement*, Random House, New York, 1969, pp. 41--13