

THE EVOLUTION OF BENJAMIN FRANKLIN'S THOUGHT IN
RELATION TO THE ROLE AND AUTHORITY OF THE
BRITISH PARLIAMENT OVER THE NORTH
AMERICAN COLONIES 1763-1775

by

Robert Edward Zeigler

A THESIS

Approved:

Committee

Approved:



Dean of the Graduate School

THE EVO^LUTION OF BENJAMIN FRANKLIN'S THOUGHT IN
RELATION TO THE ROLE AND AUTHORITY OF THE
BRITISH PARLIAMENT OVER THE NORTH
AMERICAN COLONIES 1763-1775

A THESIS

Presented to the Faculty of
Sam Houston State Teachers College
in Partial Fulfillment of the Requirements

for the Degree

MASTER OF ARTS

by

Robert Edward Zeigler

Huntsville, Texas

May, 1965

168508

ESTILL LIBRARY

ACKNOWLEDGMENT

The preparation of this thesis was made possible by the advice and aid of the faculty in the history and government departments of Sam Houston State Teachers College. Also of great value was the cooperation of the library staff of Estill Library, Sam Houston State Teachers College, who were very reasonable and understanding in making source material available to me.

I would also like to give special thanks to my committee composed of Dr. O. M. Refsell, Dr. Lee Olm, and Mr. Frank Holloway, and especially to the chairman, Dr. Lee Olm. His guidance and suggestions made the completion of this project possible. Also deserving much of the credit is my wife Mary Lynn who devoted all her free time to the tasks of typing and proof-reading.

ABSTRACT

Zeigler, Robert E., The Evolution of Benjamin Franklin's Thought in Relation to the Role and Authority of the British Parliament over the North American Colonies 1763-1775. Master of Arts (History), May, 1965, Sam Houston State Teachers College, Huntsville, Texas. 95 pp.

Purpose

It was the purpose of this study to trace the evolution of Franklin's thought in relation to the role and authority of the British Parliament over the North American colonies. Special consideration was given to (1) the years between 1763 and 1775; (2) the various crises in imperial relations that occurred during this period; and (3) Franklin's reactions to the parliamentary legislation and assertions which caused these crises.

Methods

The methods used to obtain data for this study consisted of (1) investigating the better biographies on Benjamin Franklin; (2) investigating general works which dealt with the period in question; (3) examining the letters, essays, and press articles written by Franklin during the period under consideration; and (4) examining the related writings of other colonial leaders.

Findings

From the evidence presented in this study the following conclusions appear to be in order:

1. In 1754 Franklin questioned the wisdom and fairness of British restraints on colonial commerce and manufacturing but made no attempt to question the right of the British Parliament to legislate in this area.

2. In 1754 he did question the right of the British Parliament to levy direct taxes on the colonists and felt that colonial representation in the British Parliament might prevent any future separation.

3. During the crisis over the Grenville revenue measures and the proposed stamp tax, Franklin was slow to grasp the seriousness of the problem, and being preoccupied with matters in Pennsylvania offered no real leadership in opposition to the new policy.

4. When the colonists began to protest against the stamp tax, Franklin recovered and assumed a position of leadership in the movement for repeal.

5. In 1766 Franklin began to develop the idea that the British Parliament enjoyed no authority over the colonies.

6. He continued to formulate this idea and by 1770 he had become certain that the colonies were separate states bound to Britain only through a common prince.

7. Franklin had freely expressed his view on the authority of the British Parliament to his friends, and his ideas surely exerted some influence on the thinking of other colonial leaders.

8. Franklin wanted to hold the empire together and worked toward this end until hope of reconciliation had vanished.

Approved:

Supervising Professor

TABLE OF CONTENTS

CHAPTER	PAGE
I. INTRODUCTION	1
II. FRANKLIN'S VIEW ON THE ROLE AND AUTHORITY OF THE BRITISH PARLIAMENT OVER THE COLONIES AS OF 1760	3
III. FRANKLIN'S ATTITUDE ON THE ACTS OF PARLIAMENT RELATING TO THE AMERICAN COLONIES PASSED FROM THE PEACE OF PARIS 1763 UNTIL THE ENACTMENT OF THE STAMP ACT IN 1765	13
IV. THE EVOLUTION OF FRANKLIN'S IDEAS ON THE BRITISH PARLIAMENT'S ROLE AND AUTHORITY OVER THE COLONIES FROM 1765 UNTIL 1767	23
V. FRANKLIN'S IDEAS ON THE ROLE AND AUTHORITY OF THE BRITISH PARLIAMENT IN RELATION TO THE COLONIES AS SHOWN BY HIS STATEMENTS AND ACTIVITIES FROM 1767-1770	41
VI. FRANKLIN'S THOUGHT ON THE ROLE AND AUTHORITY OF THE BRITISH PARLIAMENT FROM 1770 UNTIL HIS DEPARTURE FROM ENGLAND IN 1775	59
VII. SUMMARY AND CONCLUSIONS	83

CHAPTER	PAGE
BIBLIOGRAPHY	93
VITA	95

CHAPTER I

INTRODUCTION

During the period between 1763 and 1775, Benjamin Franklin played an active part in the dispute and controversy that arose between Great Britain and her North American colonies. Because of various assignments which he undertook for Pennsylvania and other colonies, he spent much of this period in England. Through his close contact with Englishmen he came to understand the British viewpoint. However, he remained an American determined to protect the rights and liberties of all Americans.

While representing the colonies and working to bring about harmony and understanding between Britain and America, Franklin naturally developed some ideas relating to the power and the rights of both the colonies and the mother country. It is the purpose of this study to trace the evolution of Franklin's thought concerning the role and authority of the British Parliament over the colonies.

Through an examination of Franklin's statements and actions during the various periods of crises which occurred between 1763 and 1775, the development of his ideas on the role and authority of the British Parliament can be traced and clarified. All changes and inconsistencies of thought will be noted and attempts be made to explain the causes. Franklin was a man of many interests, and it will be

necessary to ignore some interesting aspects of his activity in order to adequately focus on the problem in question.

In order to obtain data for this study, reading was done in works relating to the causes and origins of the American Revolution. This was necessary in order to become more fully acquainted with the problems and events of the period. To gain insight and understanding into the character and personality of Franklin, the better biographies were thoroughly read and studied. There was also an exhaustive examination of the personal letters and papers of Dr. Franklin written during the period under consideration. The sources relied upon for this information were The Works of Benjamin Franklin edited by John Bigelow, Papers of Benjamin Franklin edited by L. W. Labaree, The Writings of Benjamin Franklin edited by Albert H. Smyth, Benjamin Franklin's Autobiographical Writings edited by Carl Van Doren, and Van Doren's edition of Letters and Papers of Benjamin Franklin and Richard Jackson 1753-1785. In addition, Franklin's pamphlets and essays were explored in order to determine the correlation between his private ideas and his public statements. Pseudonymous articles and letters to the printer were identified by relying on Verner W. Crane's edition of Benjamin Franklin's Letters to the Press. Also the writings of other colonial leaders and resolves made by colonial legislatures were examined in order to compare the development of Franklin's ideas with those of other colonists.

CHAPTER II

FRANKLIN'S VIEW ON THE ROLE AND AUTHORITY OF THE BRITISH PARLIAMENT OVER THE COLONIES AS OF 1760

Franklin's first real criticism of British colonial policy was stimulated by the enactment of the Iron Act by the British Parliament in 1750. The act was passed in an attempt to guarantee England a supply of pig and bar iron from the colonies and to keep colonial iron finishing at a minimum.¹ Franklin expressed his views in 1751 in an essay entitled "Observations Concerning the Increase of Mankind, Peopling of Countries etc." He admitted that it was expedient for the colonies to submit to imperial regulation in return for protection, but he questioned the wisdom of any artificial interference with commerce and manufacturing.² Franklin predicted that in another century there would be more Englishmen in America than in England, and the colonies would demand more goods than Britain could hope to supply. If colonial manufacturing was restricted, prices would rise in England, rival nations would crowd her out of foreign markets, and the colonies would not be developed to the degree necessary to

¹Richard B. Morris (ed.), Encyclopedia of American History, 512. Hereafter cited as Morris, Encyclopedia.

²L. W. Labaree (ed.), Papers of Benjamin Franklin, IV, 225-235.

render aid or add to her strength. Therefore, it was unwise for the mother country to restrain American manufacturing.

Although not anticipating American independence, Franklin did see a great future for the whole country. The American frontier was the British frontier, but Americans who understood America must make their own rules. He envisioned local rights and responsibilities within the frame of empire.³ The crucial condition of Franklin's entire idea was expansion. The multiplying number of inhabitants of British North America needed room to expand, and this expansion was being threatened. This threat was posed by the thrust of French power from Canada, and all Americans with imperialistic dreams were becoming alarmed. One possible solution to the problem was the creation of an intercolonial union. Though in partial agreement with this idea, Franklin wanted to go a step further and create a true intercolonial government.

By the spring of 1754 the Anglo-French problem was becoming most severe, and the Board of Trade called a meeting of commissioners from several colonies for the purpose of securing a new treaty with the Six Nations.⁴ The meeting was held in Albany, New York, and here Franklin submitted his plan of union. He proposed an intercolonial government to

³Carl Van Doren, Benjamin Franklin, 217-218.

⁴Ibid., 218-220.

manage all matters relating to Indian affairs and defense.

In a general council each colony would receive representation in proportion to its contribution to the general treasury, and a governor-general would be appointed by the crown.

Franklin did want a voluntary union rather than one imposed by parliament. He did not question the authority of parliament to create such a union but felt a voluntary union would be easier to change and improve. Since many of his colleagues felt that to guarantee stability it was necessary for the union to be established by an act of parliament, Franklin conceded the point, but did so against his better judgment.⁵

What he had in mind was a union that would originate with the colonies and with all of the rights of the colonists protected. Franklin felt the right of self-taxation was essential to English liberties, and he was determined that it should be protected. He suggested, and the delegates agreed, that the money necessary for carrying out the activities of the union would be secured by taxes that "will be proposed and agreed to by the representatives of the people."⁶ The people were to be represented by the Grand Council which was to be chosen by the various colonial assemblies.

After being debated and modified, Franklin's plan was

⁵ John Bigelow (ed.), The Works of Benjamin Franklin, III, 15. Hereafter cited as Bigelow, Works.

⁶ Ibid., 27.

accepted by the congress at Albany. When submitted to the colonial assemblies, none of them approved. It was also unacceptable to the Board of Trade, and they did not even submit it to the king. With the failure of the Albany Plan Governor William Shirley of Massachusetts proposed an alternate scheme. In his plan the union would also be enacted by parliament, but parliament would be given the additional power of taxation. All of the expenses would be defrayed by a tax laid on the colonies by an act of parliament.⁷ Franklin had some strong objections to this concept of parliamentary authority. He expressed these objections in the text of three letters written to Shirley in 1754. In this correspondence Franklin again stressed the idea of safeguarding local rights and responsibilities. He pointed out that Shirley's plan, which would create a union of councils and taxation by parliament, might prove to be harmful to the colonies. He went on to say that it was the right of Englishmen not to be taxed but by their own consent given through their representatives. A tax levied by parliament on the recommendation of colonial governors might be continued for the benefit of the governors to the detriment of the colonies. Franklin brought up the fact that the land and manufacturing taxes in the mother country raised the price of British goods which the colonies purchased. The restriction

⁷ Ibid., 47.

on the purchase of foreign goods forced the colonies to pay these higher prices. There also existed a restriction on the sale of colonial products to foreign nations and restrictions on colonial manufacturing. All of these regulations meant increased wealth and indirect revenue to Great Britain. When this sum was added to the increased prices caused by the large colonial market, it constituted a large revenue from what Franklin referred to as "secondary taxes." The colonists considered this as a type of tax but according to Franklin:

These kinds of secondary taxes, however, we do not complain of, though we have no share in the laying or disposing of them; but to pay immediate heavy taxes, in the laying, appropriation, and disposition of which we have no part, and which perhaps we may know to be as unnecessary as grievous, must seem hard measure to Englishmen, who cannot conceive that by hazarding their lives and fortunes in subduing and settling new countries, extending the dominion and increasing the commerce of the mother nation, they have forfeited the native rights of Britons, which they think ought rather to be given them as due to such merit, if they had been before in a state of slavery.⁸

Thus Franklin saw a colonial tax levied by parliament as a direct infringement on the rights of Englishmen. Since commercial regulation was in effect a tax, it could be argued that Franklin was rejecting parliament's authority in this area as well. Actually he did not concede the right of parliament but neither did he openly deny it. Instead of

⁸Bigelow, Works, III, 53.

criticizing on a constitutional basis, Franklin had merely questioned the wisdom of British mercantile policy.

Shirley had also suggested that the colonies be closer united with Great Britain by allowing them representatives in the British Parliament. Franklin felt:

. . . that such a union would be very acceptable to the colonies, provided they had a reasonable number of representatives allowed them; and all the old acts of Parliament restraining the trade or cramping the manufactures of the colonies be at the same time repealed, and the British subjects on this side the water put, in those respects, on the same footing with those in Great Britain, till the new Parliament, representing the whole, shall think it for the interest of the whole to re-enact some or all of them.

. . . I think, too, that the government of the colonies by a Parliament in which they are fairly represented, would be vastly more agreeable to the people than the method lately attempted to be introduced by royal instruction, as well as more agreeable to the nature of an English constitution and to English liberty; and that such laws as now seem to bear hard on the colonies, would (when judged by such a Parliament for the best interest of the whole) be more cheerfully submitted to and more easily executed.

I should hope, too, that by such a union the people of Great Britain and the people of the colonies would learn to consider themselves as not belonging to different communities with different interests, but to one community with one interest, which I imagine would contribute to strengthen the whole and greatly lessen the danger of future separations.⁹

Franklin again brought up commercial and manufacturing regulations and wondered if it were right to deprive the colonists of the privileges enjoyed by other Englishmen:

. . . the right of vending their produce in the same ports, or of making their own shoes, because a

⁹ Ibid., 55-56.

merchant or a shoemaker living on the old land might fancy it more for his advantage to trade or make shoes for them? Would this be right even if the land were gained at the expense of the state? And would it not seem less right if the charge and labor of gaining the additional territory to Britain had been borne by the settlers themselves? And would not the hardship appear yet greater if the people of the new country should be allowed no representatives in the Parliament enacting such impositions?¹⁰

Although not denying parliament's legislative authority on a constitutional basis, Franklin did seem to feel the colonists' rights were being infringed upon. Representation would not completely cure the ill but it would make commercial regulations more agreeable to the constitution and to the people.

The Anglo-French conflicts in Europe and in the colonies became more severe finally resulting in the outbreak of the Seven Years' War. During these confused war years, Franklin was drawn into factional politics dealing with the proprietary regime in Pennsylvania. Pennsylvania enjoyed certain privileges dating back to its establishment, and the assembly was determined to safeguard its prerogatives.¹¹ Problems were resulting from the pacifism of the Quaker-dominated assembly and from its attempt to tax proprietary lands. In an attempt to rid itself of what it considered the oppressive rule of the Penns, the assembly drew up a petition

¹⁰ Ibid., 57.

¹¹ George Bancroft, History of the United States of America, II, 460.

to be presented to the king. Franklin was selected to go to England and represent the assembly's cause.¹² In a meeting with the Penns, Franklin pointed out that the original charter of Pennsylvania said "that the Assembly of Pennsylvania shall have all the power and privileges of an assembly according to the rights of free-born subjects of England."¹³ In a discussion with Lord Granville, president of the Privy Council, Franklin expressed the opinion that laws governing Pennsylvania should be made by the assembly of Pennsylvania. Franklin was again stressing the importance of local rule and responsibility and he seemed to indicate that the colonial assemblies could best govern the colonies. Franklin came to feel that Pennsylvania would be better off as a royal colony but was warned as to the danger of this course by Richard Jackson, an English lawyer and later a colonial agent. Jackson pointed out that if Pennsylvania became a royal colony the parliament "might think it fit somewhat to new model the present constitution . . ."¹⁴ Franklin was so concerned over

¹²Verner W. Crane, Benjamin Franklin and a Rising People, 80-82. Hereafter cited as Crane, Rising People.

¹³Carl Van Doren (ed.), Benjamin Franklin's Autobiographical Writings, 110. Hereafter cited as Van Doren, Autobiographical Writings.

¹⁴Carl Van Doren (ed.), Letters and Papers of Benjamin Franklin and Richard Jackson 1753-1785, 85. Hereafter cited as Van Doren, Franklin-Jackson Papers.

the dispute with the Penn family that he tended to minimize any parliamentary threat.

Thus Franklin as early as 1751 questioned the wisdom of parliament's restriction of colonial commerce or manufacturing and urged local rule for the colonies. He predicted a rapid increase in colonial population and felt these people could add to the greatness of the British empire. He advocated a union between the colonies and the mother country and was insistent that colonial rights be protected. He denied parliament's right to tax the colonists without their consent and questioned the fairness of British mercantile policy. He did agree that colonial representation in parliament would create a better situation but indicated that perhaps colonial assemblies should rule on colonial matters. Franklin approached these issues from a practical standpoint rather than from a constitutional one. He simply pointed out that the colonies seemed willing to submit to some controls while unwilling to submit to others. At no time had he conceded to parliament the right to bind the colonies in any area. In the dispute with the Penns:

Almost but not quite, he closed his eyes to the other great threat to colonial liberties, of direct Parliamentary encroachment, a danger he had defined so clearly in his conferences with Shirley in the winter of 1754.¹⁵

It should be remembered, however, that Franklin was a

¹⁵Crane, Rising People, 87-88.

political pragmatist and was more concerned with facts than with principles.¹⁶ The encroachment by parliament on the rights of Englishmen was not a big issue in the colonies prior to 1764 and Franklin's ideas and opinions on the subject were being formed as he concerned himself with the more pressing and immediate matters of the day.¹⁷

¹⁶Clinton Rossiter, Seedtime of the Republic, 294.

¹⁷Crane, Rising People, 64.

CHAPTER III

FRANKLIN'S ATTITUDE ON THE ACTS OF PARLIAMENT RELATING TO THE AMERICAN COLONIES PASSED FROM THE PEACE OF PARIS 1763 UNTIL THE ENACTMENT OF THE STAMP ACT IN 1765

By November 1763, Franklin was back in America and the Seven Years' War was over. The Treaty of Paris, which had been signed on February 10, 1763, represented a definite victory for the British in America. The French threat had been eliminated, and England had no rival along the Atlantic seaboard from Hudson Bay to the Florida Keys. The attainment of these new areas gave the colonists in the older British possessions a sense of mission and destiny.¹ Franklin shared this feeling and called the termination of the war a glorious peace. It did fit all of his conditions for security and expansion. The American people had new lands to develop, and this would allow for the large increase in population which Franklin envisioned. He saw no need for any change in government, except perhaps a continental union such as the one he proposed at Albany in 1754. Meanwhile easygoing mercantilism and local self-rule would do until rulers and states

¹Lawrence H. Gipson, The Coming of the Revolution, 1.

saw their way clear to follow the wiser policy of abolishing all unnatural restraints on commerce.²

Great Britain did not share Franklin's view on mercantile policy. The war had been a costly one, and the national debt had doubled. There was also the new territory of old French Canada and the eastern Mississippi Valley to administer as well as an Indian rebellion to quell. The British ministry felt it was necessary to establish military garrisons at strategic points in North America in order to control the Indians and the recently conquered French. Since this would create more expenses, the colonies were expected to assume their share. The job of financing this British policy fell to the new chancellor of the exchequer, George Grenville.³ Early in March 1764, he presented a plan to the House of Commons in the form of the Revenue or Sugar Act. The act consisted of fourteen resolutions to which was added a fifteenth calling for a stamp tax in the colonies. This last measure was subsequently withdrawn for a year. The reason, according to Grenville, was to give the colonies an opportunity to offer alternatives to the stamp tax.⁴

Franklin thought the new British policy unwise, but at the outset he was much more concerned with the continuing

²Crane, Rising People, 98.

³Gipson, The Coming of the Revolution, 55-56.

⁴Crane, Rising People, 99.

conflict between the Pennsylvania assembly and the proprietors. He was still convinced that Pennsylvania should become a royal colony and did not foresee any serious threat to colonial liberties by the British Parliament. In a pamphlet entitled "Cool Thoughts on the Present Situation of Our Public Affairs," Franklin said that the fear of having:

. . . "a standing army to maintain" is another bug bear raised to terrify us from endeavouring to obtain a King's government. It is very possible that the crown may think it necessary to keep troops in America henceforward, to maintain its conquest and defend the colonies, and that the Parliament may establish some revenue arising out of the American trade, to be applied towards supporting those troops. It is possible, too, that we may, after a few years' experience, be generally very well satisfied with that measure, from the steady protection it will afford us against foreign enemies, and the security of internal peace among ourselves, without the expense or trouble of a militia. But assure yourself, my friend, that, whether we like it or not, our continuing under a proprietary government will not prevent it, nor our coming under a royal government promote or forward it, any more than they would prevent or procure rain or sunshine.⁵

The objection had also been raised that the assembly might lose many of its privileges if royal government was instituted, but Franklin felt:

There is therefore nothing now that can deprive us of those privileges, but an act of Parliament; and we may rely on the united justice of King, Lords, and Commons, that no such act will ever pass, while we continue loyal and dutiful subjects.⁶

It is obvious that Franklin was slow to grasp the

⁵ Bigelow, Works, IV, 61-63.

⁶ Ibid.

importance of the Grenville program and that he did not remain consistent to the ideas he had stated in 1754. He was kept abreast of the developments in Britain by numerous reports sent by Richard Jackson. In November, 1763, Jackson had written that he was not planning to oppose a duty on foreign molasses but "I shall be against Inland Duties laid by the Parliament of Britain on the colonies."⁷ He felt that there would be no point in opposing all duties "for £200,000 a year will infallibly be raised by Parliament on the Plantations."⁸ In December Jackson wrote:

A Revenue to be raised in America for the support of British troops is not now to be argued against; it wd answer no purpose to do so. I only contend that it should be built on a foundation consistent with the Constitutions of the Colonies, and on the Principles of Relation between the Mother Country and her Colonies; it is not disputed that the Mr Country is Mistress of the Trade of its Colonies, this Right has always been challenged (claimed) and exercised, by England and all other Countries, the Mr C may prohibit foreign Trade, it may therefore tax it. And the Colonies have a Compensation, in Protection but I dread internal Taxes.⁹

Although Franklin had never agreed with this broader concept of parliamentary sovereignty, he made no protest. Instead he followed his practice of looking to expediency and informed Jackson:

⁷Van Doren, Franklin-Jackson Papers, 113-114.

⁸Ibid.

⁹Ibid., 123-124.

I am not much alarm'd about your Schemes of raising Money on us. You will take care for your own sakes not to lay greater Burthens on us than we can bear; for you cannot hurt us without hurting yourselves. All our Profits center with you, and the more you take from us the less we can lay out with you.¹⁰

Jackson wrote Franklin in January, 1764, that he had given up hope of preventing some type of parliamentary tax on the colonies. He again pointed out that he would oppose any type of "internal tax."¹¹ Franklin failed to comment on Jackson's frequent mention of an "internal tax" and continued in his rather complacent attitude. In February, 1764, he informed Jackson that if money had to be raised from the colonies, he felt a moderate duty on foreign molasses would be best. A duty on all East India goods might be a good policy since these goods were luxuries. He only warned that duties which would destroy colonial trade with foreign nations would injure Britain as well as America.¹² In April, 1764, he continued in his deferential attitude and wrote Peter Collinson:

We are in your hands as clay in the hands of the potter; and so in one more particular than is generally considered: for as the potter cannot waste or spoil his clay without injuring himself, so I think there is scarce anything you can do that may be hurtful to us but what will be as much or more so to you. . . .

¹⁰ Ibid., 136.

¹¹ Ibid., 138.

¹² Ibid., 140.

Therefore what you get from us in taxes you must
lose in trade. The cat can yield but her skin.
. . .¹³

The Revenue Act was a revision in the regulation of trade, but no attempt had been made to conceal its real purpose. The preamble clearly stated that its main purpose was to bring in revenue.¹⁴ Most colonists felt that parliament enjoyed the sole authority to grant the property of Englishmen in taxes "but when it presumed on this authority to grant the property of colonial Englishmen, who were not represented in it, then something had gone awry. . . ."¹⁵ Most Americans felt the need to protest, but they were not sure of the rights they should assert, of the bases of their claims, or of the methods they should pursue.¹⁶ Franklin pointed out that Americans could supply themselves and thus do without British goods.¹⁷ This method proved to be quite useful in the colonial dispute with the mother country. Also many colonists based their arguments on the ideas which Franklin had stated in his correspondence with Governor Shirley in 1754. Aside from this, Franklin offered no answers to the colonial

¹³Van Doren, Autobiographical Writings, 145.

¹⁴Edmund S. and Helen M. Morgan, The Stamp Act Crisis, 25-26.

¹⁵Edmund S. Morgan, The Birth of the Republic, 17.

¹⁶Crane, Rising People, 99-100.

¹⁷Albert H. Smyth (ed.), The Writings of Benjamin Franklin, IV, 269-271. Hereafter cited as Smyth, Writings.

questions and tended to discount much of the growing opposition. In June 1764 he wrote Jackson that:

The Act of Parliament (Revenue Act), which is now published here makes a great stir among our merchants, and much is said of the ill Effects that must attend it. My Opinion is, that more is apprehended than will happen; and that Experience only will inform us clearly, how short it will fall of procuring on one hand the Good, and producing on the other hand the Evil, that People engag'd in different Interest expect from it. If it is not finally found to hurt us, we shall grow Contented with it;--and as it will, if it hurts us, hurt you also, you will feel the Hurt and remedy it.¹⁸

Without a doubt the most serious part of the Grenville program was the proposed stamp tax. This was also a revenue measure and required stamps or stamped paper, costing up to £10 be used for various items.¹⁹ Grenville's request for colonial alternatives to the act was actually an attempt:

. . . to maneuver the colonists into a position where a Stamp Act would appear to be the result of their own failure to come to the assistance of the mother country in an hour of need.²⁰

The ministry hoped that the colonies would apply to parliament for a stamp tax, thereby allowing the measure to be carried out without the opposition which might be aroused by such a tax imposed by parliament.²¹ Franklin did not think

¹⁸Van Doren, Franklin-Jackson Papers, 167-168.

¹⁹Morris, Encyclopedia, 53-55.

²⁰Edmund and Helen Morgan, Stamp Act Crisis, 54.

²¹Claude H. Van Tyne, The Causes of the War of Independence, 141.

the colonies would apply for such a tax, but he confided to Jackson that a tax of this type would probably be easier to fix and maintain than quotas.²² He did give some thought to alternatives, however, and had three ideas in mind. He reverted to his earlier idea of sending American representatives to parliament, or of creating a common council as he had advocated in the Albany Conference. This might indicate that Franklin had recovered to some degree and had decided to pursue the argument on taxation which he had so strongly asserted in his correspondence with Shirley in 1754. Instead he proposed a third idea of endorsing a paper money scheme. This scheme was a plan to create a General Loan Office in America established by an act of parliament. The plan called for the issue of an American paper currency, to bear interest which would help the British to meet their American expenses. In effect this would be exchanging one parliamentary tax for another. Franklin just felt that his idea would be more acceptable to the colonists than a stamp tax.²³

On October 26, 1764, Franklin was once again chosen by the assembly to represent it in England in the dispute with the Penns. Franklin arrived in London in December, 1765, but soon the Pennsylvania issue was pushed aside by the greater and more disturbing problem of the Stamp Act. Although most

²²Van Doren, Franklin-Jackson Papers, 168.

²³Van Doren, Autobiographical Writings, 155-156.

of the colonial agents in London had protested that the act would destroy the importance of their assemblies, it was brought before the House of Commons and passed without much opposition. It was approved by the House of Lords and on March 22, 1765, the act received the king's assent.

Throughout this first crisis, Franklin made no strong protest against the new measures imposed by parliament. He did express some doubts as to the wisdom of the acts but disregarded the possibility of any serious consequences. He continued to stress the point that if the acts hurt America they also hurt Britain. If this occurred, he felt that the ministry would see its mistake and take steps to correct it. While not actually conceding to parliament the right to impose such taxes and restrictions, he certainly never made any attempt to question it. Not once did he use the argument he had expressed in 1754. He seemed to lose sight of the threat to colonial liberties he had then been so eager to prevent. It is difficult to determine why Franklin pursued a course so inconsistent with his earlier ideas. He did have personal reasons for wishing to stay in the good graces of the ministry. He held the office of joint Deputy Postmaster-General and his son was the governor of New Jersey. Both of these positions were held at the pleasure of the crown.²⁴

²⁴Bernhard Knollenberg, Origin of the American Revolution, 146.

Could Franklin have been expected to sacrifice these interests in opposition to the ministry? This question for years beclouded his notable public services in England and "grossly prejudged Franklin's integrity . . ." ²⁵ It would seem more valid to assume that he was influenced by the movement for a change in government in Pennsylvania which could not be secured without the favor and support of the British ministry. ²⁶ Also Franklin's temper was pacific and compromising, and he was strongly opposed to disorder. He had conceived the idea of an expanding Anglo-American empire, and his recent memories of England were pleasant ones. As a result:

He found it harder than most colonists (except the foreordained Tories) to conceive that England meant ill to her colonies--found it easier than most to believe that if the new measures injured America, they would be seen to injure Englishmen also and be repealed. ²⁷

²⁵Crane, Rising People, 103.

²⁶Knollenberg, Origin of the American Revolution, 146.

²⁷Crane, Rising People, 100.

CHAPTER IV

THE EVOLUTION OF FRANKLIN'S IDEAS ON THE BRITISH PARLIAMENT'S ROLE AND AUTHORITY OVER THE COLONIES FROM 1765 UNTIL 1767

The infamous Stamp Act was signed into law and Franklin accepted it and anticipated no disobedience or formidable opposition. He wrote to Charles Thomson on July 11, 1765, explaining that he had taken every step in his power to prevent the passage of the act, but that it had been an impossible task. He pointed out that Britain was provoked by American opposition, and this act was passed to settle the point. Franklin went on to say that:

We might as well as hindered the sun's setting. That we could not do. But since it is down, my friend, and it may be long before it rises again, let us make as good a night of it as we can. We may still light candles.¹

Franklin considered the tax measure a sad mistake but accepted it as an accomplished fact, and at the request of the ministry even suggested some friends for the position of stamp officers. He also ordered a large supply of stamped paper on which to publish the Gazette, carrying out his idea of making the best of this bad situation.² Instead of

¹Van Doren, Autobiographical Writings, 150.

²Nelson Beecher Keyes, Ben Franklin, An Affectionate Portrait, 167.

disputing the Stamp Act, once passed, Franklin and the other agents turned their attention to an attempt to moderate the provisions of the new Mutiny Act. Franklin was instrumental in the deletion of the clause for quartering troops in private houses in America.³ The protest in America over parliament's revenue policies gave rise to the fear in England that the Americans wanted independence but Franklin was not concerned about this. He continually denied this as nonsense, but he did understand how American claims of right and their criticism of parliamentary power angered Englishmen, most of whom had no doubt as to the sovereignty of parliament. As a result of this, Franklin tried to play down the constitutional issues which caused and increased these jealousies.⁴

In the colonies the attitude was not such a placid one. When the Philadelphians received news of the passage of the stamp tax, the preparations for its enforcement, and the nomination by Franklin of stamp officers, the entire city became enraged. Franklin was accused of being on the side of the ministers, and mobs threatened to destroy his house. In all the colonies the mood was violent, and in some places there were open threats of forcible resistance and even of rebellion. There were agreements not to use or import articles of English manufacture, disobedient resolutions by

³Crane, Rising People, 110.

⁴Ibid., 110-111.

legislatures, probably the most notable being those of the Virginia Assembly, and a spreading spirit of colonial unity. The more moderate divisions of what John T. Morse called "this mad procession" were controlled by such individuals as James Otis and Sam Adams, soon to be joined by John Adams and Patrick Henry. Franklin seemed to have been far behind the thinking of these colonial leaders, but the gap was not so great as it appeared. Franklin found much to agree with in the ideas and statements of the more intelligent colonial leaders. He soon came into position with them and even passed them by to formulate ideas which proved to be far in advance of the thoughts and ideas of most colonials.⁵

As soon as the news of the protest in the colonies reached England, there developed opposition to the stamp tax, and the enemies of Grenville became the friends of America. It seemed as if Grenville was in complete control, but because of a domestic and personal issue George III drove the Grenville ministry out, and a new cabinet was formed by the Duke of Cumberland. This Rockingham cabinet was much more favorable toward America. Also the American weapon of non-importation was proving to be extremely effective. The English manufactures began to suffer, and an outcry for a change in policy began to grow among the shippers in the trading and manufacturing towns. Parliament began to feel

⁵John T. Morse, Jr., Benjamin Franklin, 110-111.

that a mistake had been made, and many were ready to correct the mistake if this could be done without giving up what parliament felt was its unquestionable right to bind the colonies. After much debate, the Stamp Act was repealed on March 18, 1766. Simultaneously parliament passed the Declaratory Act which asserted that parliament had full authority to make laws binding the American colonists in all cases.⁶

During the movement for repeal, Franklin had played an active part. He carried on a battle in the press which started as early as May of 1765. He also went through an examination by parliament, and carried on private correspondence and negotiation in his efforts to bring about repeal. After the repeal, he continued to be the spokesman for the colonial cause until it became unsafe for him to remain in England. In the beginning of the Stamp Act controversy Franklin was both surprised and disturbed by the violence of the American opposition. Because of this he began to work with all of his ability to secure a repeal of the unwise measure which he called the "Mother of Mischief." Due to his rushed schedule he had little time for ordinary letter writing; thus there is no detailed account of his activity. In a letter written on January 6, 1766, Franklin agreed with the idea of a legislative union with Britain. However, he believed that the idea would not be agreed to in England. In

⁶ Ibid., 113-118.

this letter Franklin did not question the legislative authority of parliament but rather took a pragmatic stand and stated that until the colonies were represented in parliament:

No taxes, laid there by Parliament here, will ever be collected, but such as must be stained with blood; and I am sure the profit of such taxes will never answer the expense of collecting them, and that the respect and affection of the Americans to this country will in the struggle be totally lost, perhaps never to be recovered; . . .⁷

He went on to say that as a practical remedy the Stamp Act should be repealed in order to win back the respect and affection of the colonies. Although this letter avoided the constitutional issue, Franklin did revert to his old idea of colonial representation in parliament. In a pseudonymous letter to the printer on January 11, 1766, he took a stand far ahead of any idea he had put forth thus far. In this article printed in The Gazetteer and New Daily Advertiser Franklin defended the American view and maintained that the colonies were established during a time when the powers of parliament were not thought to be so great. They were planted in areas over which the parliament, at the time of their creation, had no jurisdiction at all. Also, according to Franklin, with the exception of Georgia and Nova Scotia none of the colonies was financed by parliament. They were

⁷Bigelow, Works, IV, 169.

settled rather by permission of the crown at the expense of the settlers. Franklin then concluded that:

These territories thus became new dominions of the crown, settled under royal charters, that formed their several governments and constitutions, on which the Parliament was never consulted; or had the least participation.--The people there have had, from the beginning, like Ireland, their separate parliaments, called modestly assemblies; by these chiefly our kings have governed them. How far, and in what particulars, they are subordinate and subject to the British parliament; or whether they may not, if the King pleases, be governed as domains of the crown, without that parliament, are points newly agitated, never yet, but probably soon will be, thoroughly considered and settled. Different opinions are now entertained concerning them; and till such settlement is made by due authority, it is not criminal to think differently. Therefore, I wish the American opinion may, in the meantime, be treated with less acrimony.⁸

This viewpoint put forth by Franklin implied that his thinking had gone far beyond that of most American leaders. He did, at least tentatively, assert the belief that perhaps parliament had no authority over the colonies, and the colonial assemblies were indeed on the same level with the British legislature. Since Franklin was working for repeal, he was not interested in publicly pushing an idea which would further antagonize the ministry. Thus he merely hinted at this concept he was developing in a pseudonymous press article. In an article printed in the Gazetteer on January 15, 1766, Franklin reverted to more familiar ground and

⁸"On the Tenure of the Manor of East Greenwich," Verner W. Crane (ed.), Benjamin Franklin's Letters to the Press, 48. Hereafter cited as Crane, Letters to the Press.

pseudonymously demanded that if Americans must pay British taxes, they must also participate in the union and in the advantages and privilege of commerce that this entailed.⁹ Again in the Gazetteer on January 23, Franklin writing under the pseudonym, "A Friend to Both Countries," expressed the views which he held in 1760. He stated that the colonial assemblies should grant money to the crown when necessary and then went on to discuss the taxes the colonies already paid. These were the taxes brought about by the trade restrictions imposed by Great Britain. These were the same taxes he called "secondary" in his correspondence with Shirley in 1754. Franklin felt that the Stamp Act was vastly different from the acts regulating commerce and navigation and from the Post Office Act. The latter duties would be paid or not depending on whether the people wanted to buy the goods or secure the postal service. The Stamp Act, on the other hand, "forced the money from the country," and Franklin held that parliament had no right to tax the colonies unless the colonies were represented. He also pointed out that the argument of virtual representation which held that "all the counties in England could found a like claim on that principle" was not true because there was not a "landed freehold estate above 40s. per ann. in any county, that does not give its

⁹"Defense of Indian Corn," Crane, Letters to the Press, 50-51.

owner a right to vote for a member of parliament."¹⁰ On January 29, 1766, another pseudonymous article was printed in the Gazetteer in which Franklin rejected, but on satiric grounds, the idea of American representation in parliament. He said, "They (Americans) are contented with their own little legislatures, if they may be permitted to enjoy the privileges belonging to them."¹¹ This did not mean that he had completely rejected the idea of American representation in parliament because he came back to it from time to time.

In these letters to the press Franklin brought out the ideas which he had advocated in the Albany Plan and in his letters to Governor Shirley. In addition to this, Franklin hinted at a new idea, the rejection of parliament's legislative authority over the colonies. It should be remembered, however, that Franklin did not vigorously advance this idea, as he was chiefly interested in repeal of the Stamp Act and was content to work behind the scenes as a press agent and lobbyist. He had his own letters of 1754 to Shirley reprinted to better explain the colonial argument. He also reprinted anything else from America he thought useful, including Danial Dulany's Considerations and Dickinson's Late

¹⁰"On Behalf of the Colonies," Crane, Letters to the Press, 54.

¹¹"On American Representation in Parliament," Crane, Letters to the Press, 59.

Regulations. This behind-the-scenes work was soon replaced by a more publicized event.

Franklin was called upon to appear before the House of Commons to answer questions in an investigation of American affairs which the merchants had instigated.¹² Franklin gave his testimony on February 13, and for three hours he answered questions from friendly and hostile members of parliament. Franklin and his friends in the House tried, as much as possible, to steer the questions away from the right of parliamentary authority and more toward the matter of the expediency of the Stamp Act. In the examination the questions ranged over the entire dispute between the colonies and Great Britain and for the most part Franklin made an eloquent defense for the colonial cause. He used the same arguments he had been voicing since 1754 and, although at times evasive, he was always in control of himself and of the situation. In answering questions concerning the taxation issue, Franklin used the rather confusing distinction between internal and external taxation which he probably adopted from Richard Jackson. When asked to define the difference between the two, Franklin made this explanation:

An external tax is a duty laid on commodities imported; that duty is added to the first cost and other charges on the commodity, and, when it is offered to sale, makes a part of the price. If the people do not like it at that price, they refuse it; they are

¹²Crane, Rising People, 116-117.

not obliged to pay it. But an internal tax is forced from the people without their consent, if not laid by their own representatives.¹³

Franklin held that Americans did not oppose external taxes but did oppose internal taxes, such as the stamp tax. He used this distinction as a tactical measure, but he publicly clung to it long after it had served its purpose, and he was largely responsible for convincing Englishmen that this was the line that Americans drew in criticizing parliament's authority.¹⁴ This distinction between internal and external taxation was not fully accepted by all the colonists, but in this examination Franklin was asserting his public views to influence the members of parliament. He had already progressed, in his own mind, to a view far in advance of anything he was willing to express in a public examination before the House of Commons. When pressed about this distinction in the examination, Franklin admitted that there were arguments to the effect that if parliament had no right to tax internally, then it had no right to tax externally, or for that matter to make any law binding the colonies. He warned that "they (the colonists) do not reason so; but in time they may possibly be convinced by these arguments."¹⁵

This testimony and the other pressures being exerted

¹³Bigelow, Works, IV, 186.

¹⁴Crane, Rising People, 104.

¹⁵Bigelow, Works, IV, 211.

made it seem that there was a good chance for repeal; thus Franklin continued his propaganda campaign. The House of Commons soon voted to repeal the act, and Franklin urged moderation in the colonies in order to avoid angering the ministry and endangering this reasonable solution. He wrote Hugh Robert on February 27 to the effect that Americans should be grateful to Britain and further violence would only make matters worse.¹⁶ Indeed repeal did occur on March 8 and there can be no doubt that Franklin was an important factor in bringing it about.

In their rejoicing over repeal, Americans generally discounted the Declaratory Act as Franklin himself had done in advance during the course of his examination. He predicted, however, that Americans would come to regard the act as unjust and unconstitutional, and there is evidence to indicate that the act caused Franklin to continue reexamining and reforming his own views. He had already hinted at some new ideas, and he was certainly becoming more skeptical in regard to any chance of colonial representation in the British Parliament which would, in Franklin's mind, make parliamentary control legal. On May 9, 1766, he wrote Cadwallader Evans that in his opinion a union in parliament between Britain and the colonies would be best, but he felt it would never be done. At the present time the colonies

¹⁶ Ibid., 221.

were not able to support a sufficient number of representatives, and when they became able, they would not be willing to do so. Franklin also pointed out that:

. . . the Parliament here do at present think too highly of themselves to admit representatives from us, if we should ask it; and, when they will be desirous of granting it, we shall think too highly of ourselves to accept of it.¹⁷

Franklin did not give up the hope of some sort of legislative union, but, being a practical man, he was beginning to doubt the possibility of it.

Franklin, in January 1766, had taken a step toward denying any legislative authority to the British Parliament in regard to the colonies, and, as he reexamined his ideas, this thought continued to come to the surface. In 1766 protests were voiced by certain members of the House of Lords against the repeal of the Stamp Act, and Franklin in that same year made some marginal notes in his printed copy of these protests. He intended to make a formal answer but on the basis of existing evidence this was never done. In the "Hints" Franklin went a step further in questioning the legislative authority of parliament and stated:

The trust of taxing America was never reposed by the people of America in the legislature of Great Britain. They had one kind of confidence, indeed, in that legislature; that it would never attempt to tax them without their consent. . . .

The sovereignty of the crown I understand. The

¹⁷
Ibid., 230.

sovereignty of the British legislature out of Britain I do not understand. . . .

Wish your Lordships had attended to that other great article of the palladium: "Taxes shall not be but by common consent in Parliament." We Americans were not here to give our consent.

My duty to the King, and justice to my country, will, I hope, justify me if I likewise protest which I now do with all humility in behalf of myself and of every American, and of our posterity, against your declaratory bill, that the Parliament of Great Britain has not, never had, and of right never can have, without consent given either before or after, power to make laws of sufficient force to bind the subjects in America in any case whatever, and particularly in taxation.¹⁸

In other marginal notes written in comment to passages in a pamphlet written by Dr. Josiah Tucker and entitled "A Letter from a Merchant in London to His Nephew in North America" Franklin stated that "the people of the mother country are subjects, not governors. The king only is sovereign in both countries."¹⁹ There is some doubt as to the exact date of this statement, but the idea is basically the same as the one he was beginning to accept in 1766. In commenting on another Tucker pamphlet entitled "Good Humor or Away with the Colonies," Franklin continued with his rejection of parliament's legislative authority. He made the point that if an Englishman went into a foreign country, he was subject only to the laws and government of that country. Since the

¹⁸ Ibid., 248-250.

¹⁹ Ibid., 253.

settlers in America had found no laws or government, it had remained up to them to establish their own. They were free to govern themselves and were exempt from the power of parliament simply by settling outside parliament's jurisdiction. Also parliament was not considered or consulted when the settlements were made and was not thought to be involved in any way. From these statements Franklin drew the conclusion that the colonies never had been legally subject to the authority of the British Parliament.²⁰

In an essay written under the pseudonym "Benevolus" and published in the London Chronicle on April 11, 1767, Franklin made the same basic points but did not follow through. He again explained that the colonies were settled with the consent of the king and owed allegiance to him. However, instead of drawing the conclusion that the colonies were not subject to the legislation of parliament, Franklin once again brought up the distinction between internal and external taxation. He pointed out that all the colonies wanted was the right to tax themselves, and they only claimed that parliament had no right to lay internal taxes. In this essay Franklin was attempting to justify the colonial position, and it is understandable that he would not expound a doctrine which would not be acceptable to even the most sympathetic British statesmen.

²⁰
Ibid., 256-275.

Although the Stamp Act had been repealed, this did not end all the conflict between the colonies and the mother country. Franklin had continued to explain the colonial viewpoint in an attempt to gain more British support, but disregard for the authority of parliament by some of the colonies made his task a difficult one. New York had refused to pass an act providing the supplies required by the Mutiny Act of 1765. British tempers were becoming short and there was talk in the British Parliament of punishing the colonies. Once again Franklin carried on a campaign in the press in an attempt to justify the American actions.²¹ On April 9, 1767, a Franklin essay pseudonymously signed "A Friend to Both Countries" was printed in the London Chronicle. In this defense of New York Franklin argued that the colonial assemblies are parliaments in America and did not have to obey and execute orders.

If they (the assemblies) were oblig'd to make laws right or wrong in obedience to a law made by a superior legislature, they would be of no use as a parliament, their nature would be changed, their constitution destroyed.²²

Although he did not do so, it would not be a large step for Franklin to follow his argument to the conclusion that since the colonial assemblies were the parliaments of America, they

²¹Crane, Rising People, 123.

²²"Reply to Coffee-House Orators," Crane, Letters to the Press, 85.

were the supreme legislative authority in America. On April 11, in a letter to Lord Kames, Franklin again discussed the Mutiny Act. He mentioned the idea of some sort of colonial representation in parliament but pointed out that the colonies were indifferent to this idea. According to Franklin, the pride of the English would prevent it anyway since:

. . . every man in England seems to consider himself as a piece of a sovereign over America; seems to jostle himself into the throne with the King, and talks of our subjects in the colonies.²³

He said the colonists considered the Mutiny Act an internal tax and objected on that basis. He then discussed the status of the colonial assemblies and argued that even if you ignored the issue of right and assumed that the American legislatures would defer to the British Parliament, it would only mean that parliament could forbid the enactment of particular laws. It would not give parliament the power to dictate what laws the assemblies could make.

The very nature of a Parliament seems to be destroyed by supposing it may be bounded and compelled, by a law of a superior Parliament to make a law contrary to its own judgment.²⁴

It would seem that even if parliament was the superior legislature, which Franklin did not believe, the most authority it would have was a sort of veto power over the colonial assemblies. In the course of this letter the ideas that

²³Bigelow, Works, IV, 280.

²⁴Ibid., 283.

parliament had no part in settling the colonies, that parliament bore none of the expense except in two cases, and that the colonists had settled out of parliament's jurisdiction were all restated. Therefore, all the colonies regarded the king as their sovereign, and the king was represented in the colonies by his governors. At this point Franklin went a step further and concluded:

In this view, they seem so many little states, subject to the same prince. The sovereignty of the King is therefore easily understood. But nothing is more common here than to talk of the sovereignty of Parliament, and the sovereignty of this nation over the colonies; a kind of sovereignty, the idea of which is not so clear, nor does it clearly appear on what foundation it is established.²⁵

After making this statement, Franklin weakened his argument by saying that it had seemed necessary that the power to regulate commerce be given to the parliament and because of this the colonies had always submitted to commercial regulations. It should be noted, however, that Franklin did not say parliament had a right to this power, only that it was given and he implies that the submission was a voluntary measure which could be withdrawn if they wished to do so.²⁶

Throughout the period of the Stamp Act controversy until the summer of 1767, Franklin was consistently trying to justify the colonial position. His primary concerns were the

²⁵ Ibid., 285.

²⁶ Ibid.

repeal of the Stamp Act and justification of the opposition to the Mutiny Act. As a result of this, his public statements were aimed at friendly ears in England and were not always consistent with his private opinions. He continued to urge a union with colonial representatives in the British Parliament, although most Americans were not in favor of it. He admitted it would probably not be accepted but said it seemed the best solution. Franklin also clung to the confusing distinction between internal and external taxation long after it had served its purpose. He continually avoided the constitutional issue and argued on the basis of expediency, thereby hoping to win friends to the American cause. This does not mean that he was unaware of the legal problem, and Franklin himself wrote in 1774 that with the Stamp Act dispute and with the passage of the Declaratory Act, he had begun to reexamine his views. As a result of this, he came to the conclusion that the king was the only link between the colonies and Great Britain.²⁷ This statement is substantiated by his marginal notes on copies of controversial tracts and in the hints he made in the press. In these he made a distinction between the realm and the dominions, asserted that the colonies were separate states, and questioned the legislative authority of parliament over America.

²⁷ Smyth, Writings, V, 113-118.

CHAPTER V

FRANKLIN'S IDEAS ON THE ROLE AND AUTHORITY OF THE BRITISH PARLIAMENT IN RELATION TO THE COLONIES AS SHOWN BY HIS STATEMENTS AND ACTIVITIES FROM 1767-1770

The Rockingham ministry, unable to stand the strain which the repeal of the Stamp Act had exerted, collapsed in July, 1766. Thus, just six months after the hard-won repeal, William Pitt was entrusted with the task of forming a new ministry. Due to poor health, Pitt could not take the exacting office of First Lord of the treasury and instead accepted the Privy Seal and the earldom of Chatham. The Duke of Grafton became prime minister, Henry Conway and the Earl of Shelburne became secretaries of state, and Charles Camden became Lord Chancellor. All three of these men were friendly to the colonies as was Chatham.¹ However, the influence of these friendly voices was more than offset by Charles Townshend who had become chancellor of the exchequer. It was his duty as government leader in the Commons to prepare the budget for 1767. One of the first items considered was the army estimates, and Grenville insisted that America pay a share of this expense. Townshend then assured the House of Commons that he could raise money in the colonies "without

¹ John Fisk, The American Revolution, I, 28.

antagonizing the Americans."² A bill was then pushed through which lowered the land tax in England and as a result Townshend's initial budget estimates were thrown out of balance. Thus he was forced to make good his promise of raising money in America.³

As the clamor rose for new American taxes, Franklin felt it was time to restate the arguments he had used in the last dispute. He did, but he again brought up the obsolete distinction between internal and external taxation. This was a mistake because Townshend had hinted that he might base his program on this very point. He planned to meet the colonies on their own terms. They had resisted internal taxation but did not complain of external taxes. Townshend saw no difference between the two, but since the colonists seemed to, he would conform to their views. He would base his revenue plans on port duties. By following this logic, Townshend felt he might allow reduction of the land tax, establish the supremacy of parliament, and also secure a revenue from the colonies.⁴ By May, Townshend had three proposals ready. One called for new customs duties, the second stated that the revenue gained would be used to pay the salaries of colonial

²Barck and Lefler, Colonial America, 532.

³Ibid.

⁴John Clark Ridpath, The New Complete History of the United States of America, V, 2385.

civil officials, and the third provided for enforcement by a board of customs commissioners in America. These plans were not opposed in parliament except by the close followers of Chatham. The principles of the Declaratory Act would be upheld, new posts would be created, royal officials in America would be freed from colonial control, and English taxes would be lightened. Indeed most members of parliament could find little to oppose in these new measures.

Encouraged by this approval, Townshend introduced his bills which were passed on June 15, 1767.⁵ The first of these Townshend Acts provided for the suspension of the New York Assembly until it complied with the Quartering Act. The Revenue Act provided for import duties on glass, lead, paints, paper, and tea. To provide for efficient collection of the new duties this bill and a companion measure clearly affirmed the power of superior or supreme court justices to issue writs of assistance; they established new vice-admiralty courts; and they also created an American Board of Customs Commissioners to be located at Boston and made them directly responsible to the British Treasury Board. The preamble to the Revenue Act stated that the funds would be

⁵Barck and Lefler, Colonial America, 533.

used to finance defense and to defray "the charge of the administration of justice, and the support of civil government. . . ." ⁶

The new Townshend measures established precedents which could lead to greater suppression of colonial liberties. ⁷ In spite of this fact the colonial protest was at first hesitant. The damage to American interests was not as great as it had been in 1765, and many were slow to grasp the significance of the Townshend measures. Not until pamphleteers and lawyers reminded them did the Americans become aware that they were being threatened with the loss of the right to dispose of their own property and that the liberties of their assemblies were in danger. ⁸

Franklin also saw the dangers ahead. The import duties were for revenue purposes and British colonial officials were to become independent of colonial legislatures. Instead of achieving imperial unity the two countries were moving farther and farther apart. In December, 1767, he was doubtful that any union based on colonial representation in parliament would ever occur. He felt the colonists were in

⁶ John Braeman, The Road to Independence, A Documentary History of the Causes of the American Revolution: 1763-1776, 130.

⁷ Crane, Rising People, 125.

⁸ Ibid., 126.

no mood to petition for it.⁹ Franklin felt that the best course the colonists could follow was nonimportation, and when he heard of the resolutions passed in Boston for this purpose, he suggested that other Americans follow their example.¹⁰ He continued in his belief that America should be considered on an equal basis with Britain and indicated that some drastic changes were needed. Many Englishmen were claiming that if representation was granted, then the powers of trade and manufacturing must also be granted. If this was done the profits of the Atlantic commerce might be transferred to America. Franklin had already hinted that the British Parliament had no right to restrict the colonial commerce, and in 1767 confided to Thomas Pownall, "if the colonies are fitter for a particular trade than Britain, they should have it. . . ." ¹¹ "Which is best," he asked, "to have a total separation, or a change of the seat of government?" ¹²

Again Franklin had no interest in expounding his new ideas publicly. Instead he turned his attention toward securing American objectives by working behind the scenes. Toward the end of 1767, Franklin had discussed the American issues with "a large company in which were some members of

⁹ Bigelow, Works, IV, 337.

¹⁰ Ibid., 339.

¹¹ Ibid., 342.

¹² Ibid., 343.

Parliament."¹³ He had tried to explain the colonial complaint and had met with some success. Several of the group urged Franklin to publish his views which he did in a paper entitled "Causes of the American Discontents Before 1768." It was pseudonymously printed in the London Chronicle on January 7, 1768. He pointed out that the colonies had always granted money to the crown by requisition. This method was considered constitutional since the money was granted by colonial assemblies. This was a right the colonists considered essential. The fact that the principle had been rejected by an act of parliament had not changed colonial opinion. Franklin then mentioned the Mutiny Act which the colonists felt also violated the concept that English subjects could not be taxed except by their own consent. When parliament decided to punish New York for not complying with the law, Americans felt all their rights were being threatened. The Townshend Acts had been passed and if allowed would render the colonial assemblies almost useless. Franklin felt that these injustices had made the colonies realize how many other abuses they had suffered at the hands of parliament. Franklin then went into a discussion of the commercial regulation imposed on the colonies. He did not concede that parliament had the right to impose such restraints but rather pointed out that they had always been

¹³Ibid., 376.

submitted to. The reward for this submission was the threatened destruction of all liberties.¹⁴ Thus far Franklin had just restated his old arguments. The object was to win friends to the American cause, and it was necessary to stay on familiar ground. However, he did add that:

. . . a new kind of loyalty seems to be required of us, a loyalty to Parliament; a loyalty that is to extend, it is said, to a surrender of all our properties whenever a House of Commons, in which there is not a single member of our choosing, shall think fit to grant them away without our consent; and to a patient suffering the loss of our privileges as Englishmen, if we cannot submit to make such surrender.¹⁵

Franklin still held to the idea of American representatives in parliament or was at least arguing on this ground. He had already given up much hope of this occurring but was continuing his advocacy of it. Franklin had indicated that representation would give parliament legal authority over the colonies. But the conditions he required made the attainment of this goal almost impossible. Had the colonies been allowed representatives, it is doubtful that Franklin would have accepted unless all the old manufacturing and commercial restraints had been lifted, and repassed, if necessary, by a parliament in which the colonies were represented.

In this crisis the American case was most effectively restated in Letters from a Farmer in Pennsylvania written by

¹⁴Ibid., 377-389.

¹⁵Ibid., 389-390.

John Dickinson. The first of these appeared on December 2, 1767, in the Pennsylvania Chronicle and Universal Advertiser, and subsequent letters appeared weekly through February 15. Dickinson recognized the legal authority of parliament to regulate the trade of Britain and of the colonies. He said all acts concerning the colonies prior to the Stamp Act had been based on this principle. The Stamp Act and the Townshend measures were imposed for the purpose of gaining a revenue. Not only was this a threat to colonial liberty but also unconstitutional. Dickinson rejected the distinction between internal and external taxes and stated that any measure levied to raise money was a tax. Whether to submit to an act or reject it should be decided upon the intent of the act. The colonists would make this decision by examining each measure. If it was for the purpose of regulating trade, it was legal and should be submitted to. If, on the other hand, the imposition was for the purpose of raising a revenue, it was unconstitutional and thereby illegal. Protest should follow and the method used should be petition. If this failed, then nonimportation should be resorted to. At no time did Dickinson advocate violent measures. He felt that the colonies were "as much dependent on Great Britain, as a perfectly free people can be on another," and anyone who

considered "these provinces as states distinct from the British Empire, has very slender notions of justice, or of their interests."¹⁶

Franklin did not completely accept the ideas expressed in the Letters. He surrendered the point on internal and external taxation but questioned the Farmer's definition of empire and his conception of parliamentary power. He was, however, in complete agreement on the methods suggested by Dickinson; Franklin had always been in favor of seeking redress by constitutional means.¹⁷ In a letter written to his son on March 13, 1768, Franklin explained his differences with the Farmer and again expressed the views he had adopted as early as 1766. He pointed out that the more he had contemplated the subject:

. . . the more I find myself confirmed in opinion that no middle doctrine can be well maintained, I mean not clearly with intelligible arguments. Something might be made of either of the extremes: that Parliament has the power to make all laws for us, or that it has a power to make no laws for us; and I think the arguments for the latter more numerous and weighty, than those of the former. Supposing that doctrine established, the colonies would then be so many separate states, only subject to the same king, as England and Scotland were before the union. And then the question would be, whether a union like that with Scotland would or would not be advantageous to the whole. I should have no doubt of the affirmative, being fully persuaded that it would be best for the whole, and that though particular parts might

¹⁶ Braeman, The Road to Independence, 137-151.

¹⁷ Crane, Rising People, 126-127.

find particular disadvantages in it, they would find greater advantages in the security arising to every part from the increased strength of the whole. But such union is not likely to take place, while the nature of our present relation is so little understood on both sides of the water, and sentiments concerning it remain so widely different.¹⁸

Franklin then mentioned the rejection of the internal and external tax distinction and said he would not bother to defend it. He confided to his son, however, that:

. . . the grievance is not that Britain puts duties upon her own manufactures exported to us, but that she forbids us to buy the like manufactures from any other country. This she does, however, in virtue of her allowed right to regulate the commerce of the whole empire, allowed I mean by the Farmer, though I think whoever would dispute that right might stand upon firmer ground, and make much more of the argument; but my reasons are too many and too long for a letter.¹⁹

In spite of the obvious disagreement between the personal views of Franklin and the Farmer, the Letters did add another voice to the American cause. Franklin was quick to recognize their value and soon brought out a British edition with his own preface. His stated purpose was to present the American opinion and to remove the prejudices and misunderstandings between the colonies and the mother country. He said that the Letters were reputed to represent the general sentiments of the Americans, although he did not pretend to

¹⁸Bigelow, Works, IV, 408-411.

¹⁹Ibid., 411.

know if the opinions were right or wrong.²⁰ Franklin remained convinced that nonimportation was the best course for Americans to follow. It would eventually bring repeal and would also be helpful to colonial development. In a letter to Samuel Cooper he urged the continuation of "industry and frugality" in America and felt that:

. . . we shall reap more solid and extensive advantages from the steady practice of these two great virtues, than we can possibly suffer damage from all the duties the Parliament of this kingdom can levy on us.²¹

For tactical reasons Franklin played down American claims of right and kept his own views out of the public debate. Although he had gone far beyond the general American claims, he could see no benefit in expanding the gap between British and colonial thinking.

Franklin had not yet reached the point of considering independence, and he continued in his loyalty to the king. He confided to Cooper that he hoped "nothing that has happened, or may happen, will diminish in the least our loyalty to our Sovereign, or affection for this nation in general."²² He continued, however, with the observation that he saw no excuse for the action of parliament and that the "wisdom and justice" of that body seemed to be more of a myth than a

²⁰ Ibid., 437-438.

²¹ Bigelow, Works, V, 72-73.

²² Ibid., 73.

reality.²³ In the summer of 1769 Franklin once again stressed the wisdom and benefit of the practice of nonimportation. In a letter to the Committee of Merchants in Philadelphia, he said that such a practice would result in the reestablishment of freedom in America. Also it would help bring about his dream of a growing and expanding civilization in North America. He urged continuation of the present practice until repeal was won:

. . . and in the meantime the country will be enriched by its industry and frugality. These virtues will become habitual. Farms will be more improved, better stocked, and rendered more productive by the money that used to be spent in superfluities. Our artificers of every kind will be enabled to carry on their business to more advantage; gold and silver will become more plenty among us, and trade will revive, after things shall be well settled, and become better and safer than it has lately been for an industrious, frugal people are best able to buy, and pay best for what they purchase.²⁴

While urging patience, prudence, and peaceful redress for the colonists, Franklin was continuing to privately express his more radical opinions. On November 21, 1769, Mr. Strahan, a printer and a long-time friend of Franklin's, asked some questions about the American situation. On November 29 Franklin answered. He was of the opinion that the colonists would not be satisfied with a partial repeal because they were opposed to the principle of the Townshend duty more than

²³ Ibid., 74.

²⁴ Ibid., 93.

the sum involved. He felt that voluntary grants by colonial assemblies should be reverted to and pointed out that Americans considered themselves as "free subjects of the King, and that fellow subjects of one part of his dominions are not sovereigns over fellow subjects in any other part."²⁵ He also pointed out that the colonies had long submitted to general commercial regulation by parliament but this did not mean that they were legally bound to continue to do so. According to Franklin:

. . . submission to acts of Parliament was no part of their original constitution. Our former kings governed their colonies, as they had governed their dominions in France, without the participation of British Parliaments. The Parliament of England never presumed to interfere in that prerogative till the time of the great rebellion, when they usurped the government of all the King's other dominions, Ireland, Scotland, &c.²⁶

In the latter part of 1769 Thomas Pownall wrote a pamphlet entitled "State of the Constitutions of the Colonies." It was printed and distributed to various people in an attempt to prevent more trouble between Great Britain and America. Franklin received a copy on which he made some marginal notes.²⁷ Once again Franklin appeared to be far ahead of contemporary American thought on the subjects of the power and legal authority of the British Parliament. In his

²⁵ Ibid., 134.

²⁶ Ibid., 130-131.

²⁷ Charles A. W. Pownall, Thomas Pownall, 224.

comments Franklin asserted that the first colonists had carried with them no British laws. They had been free to establish any laws that they might have deemed beneficial. Statutes, which had to do with local circumstances of Britain, did not apply to the colonies because they had never been adopted by the assemblies or by practice in the courts. Also parliament had no power to alter colonial charters unless consented to by the king and the colonies. The colonists were entitled to all the rights of British subjects and Franklin doubted "whether any act of Parliament should of right operate in the colonies. . . ." ²⁸ In his marginal observations on passages in another pamphlet entitled "An Inquiry into the Nature and Causes of the Disputes Between the British Colonies in America and their Mother Country," Franklin again expressed this doctrine. Commenting on the idea of giving America representatives in parliament, Franklin felt that there must be a fair proportion. Also he suggested that the members be chosen by the American assemblies and that disputed elections should be settled in America. He said that it would be practical for America to be represented in parliament, but government by the colonial assemblies would be preferable. Parliament had enough to do caring for the internal needs of England. By allowing the

²⁸ Bigelow, Works, V, 141.

colonies to be governed by separate, independent legislatures, Franklin thought that misrule and discontent would be eliminated.

By this means the power of a king [might] be extended without inconvenience over territories of any dimensions, how great soever.²⁹

It was pointed out in the pamphlet that if the colonial assemblies were given equal power with the British Parliament the empire would be destroyed. Franklin answered that it could not be destroyed because it had never existed in the sense of the entire empire being ruled by one government.

Breaking the present union between England and Scotland would be dismembering the empire; but no such union [had] yet been formed between Britain and the colonies.³⁰

He discredited the idea that all the king's dominions made up one state. He pointed out that English kings had always had dominions which were not subject to the control of parliament. He used Hanover, Jersey, and Guernsey as examples. When making their settlements, the colonists had carried no laws with them; thus they had been free to make their own. If they had carried British laws with them, Franklin saw little point in their leaving in the first place. America was not part of the dominions of England; rather it was a part of the king's dominions. The colonies were not within the realm

²⁹ Ibid., 151.

³⁰ Ibid., 150-151.

and parliament enjoyed no sovereignty over the colonies.

They might claim that sovereignty, but he warned:

The Americans think that, while they retain the right of disposing of their own money, they shall thereby secure all their other rights. They have, therefore, not yet disputed your other pretensions.³¹

The pamphlet contained a statement to the effect that the right of parliament to legislate for the colonies was claimed by most people, doubted by some, and rejected by a few.

Franklin observed, "I am one of those few; but am persuaded the time is not far distant when the few will become the many. . . ." ³² In another pamphlet entitled "The True Constitutional Means for Putting an End to the Disputes between Great Britain and the American Colonies," Franklin also found grounds for disagreement. The pamphlet asserted that every British subject should realize that the direction of the British state was in the control of the British legislature. The parliament was the only judge of what concerned the general welfare of the entire empire.³³ Franklin pointed out in marginal notes that:

The British state is only the Island of Great Britain; the British legislature are undoubtedly the only proper judges of what concerns the welfare of that state; but the Irish legislature are the proper judges of what concerns the Irish state, and the

³¹ Ibid., 153.

³² Ibid.

³³ Ibid., 169.

American legislature of what concerns the American states respectively. By "the whole empire" does this writer mean all the King's dominions? If so, the British Parliament should also govern the Isles of Jersey, Guernsey, and Hanover; but this is not so.³⁴

During the difficult period of controversy over the Townshend Acts, Franklin had again devoted himself to arguing the colonial cause. He had worked to express the colonial viewpoint and had tried to secure relief from the unpopular legislation. He urged peaceful protest and felt that non-importation would make England change her policy and would also enhance colonial development. He printed material from American and British writers in an attempt to bring understanding between the two countries. He still held his dream of American growth adding to the greatness and wealth of the British Empire. It seemed evident that he was still in favor of submitting American representatives to the British Parliament but only on conditions which would guarantee local self-rule for the colonies. While publicly asserting a rather moderate concept of colonial rights, he was more extreme in his private views. Through letters and marginal notes on contemporary pamphlets, he showed himself to be far in advance of most colonial thinkers. While feeling that American representation in the British Parliament was not impossible, he felt the colonial assemblies would probably

³⁴
Ibid., 170.

offer the best government. In his private writings he gave a clear statement of his concept on the legal authority of parliament. He stated that the colonies were outside the jurisdiction and authority of the British legislature. They were not a dominion of England but were instead dominions of the king. They owed no loyalty to parliament, and the only bond between Great Britain and the colonies was colonial loyalty to the king and affection for the mother country. This affection did not include subordination to the British Parliament. Franklin was surely ahead of most colonists in his thought, but he had warned Britain that the time would come when his doctrine would be accepted by a majority of the colonists. The fact that Franklin was embracing new and more radical ideas did not alter his desire for a peaceful settlement of the disputes between America and the mother country. He had not yet given up hope of attaining this goal and he remained consistent to his faith in reason. He remained an optimist and continued in his activity to bring about understanding and to destroy the antagonisms that had developed between the two countries.

CHAPTER VI

FRANKLIN'S THOUGHT ON THE ROLE AND AUTHORITY OF THE BRITISH PARLIAMENT FROM 1770 UNTIL HIS DEPARTURE FROM ENGLAND IN 1775

While Franklin had been continuing his campaign for colonial liberties in England, the colonists had resumed the policy of nonimportation. This practice, along with other types of opposition, began to bring about the desired results. The American imports from Britain declined as did British customs receipts. As a result, English merchants and shippers began to protest to parliament. Meanwhile, the Grafton ministry was beginning to crumble. Townshend had died in 1767 and was replaced by Lord North. In 1768 Chatham, ill and disgusted, resigned. Grafton was completely unable to cope with the situation and his problems were multiplied by the interference of George III. In the fall of 1769, in one of the most corrupt elections in English history, the "King's Friends" gained control of the House of Commons. A new ministry was formed early in 1770 and was headed by Lord North. This ministry was completely dominated by the king and for twelve years "was little more than a puppet pulled by strings in the hands of George III."¹ The ministry had promised repeal of the Townshend duties because

¹Barck and Lefler, Colonial America, 542.

it felt "it unwise for Britain to tax her own goods sold abroad--not because the non-importation agreements had driven the British merchants to demand the removal of the duties."² It was decided, however, to retain the duty on tea in order to assert Britain's right to tax the colonies. This partial repeal on April 12, 1770, satisfied moderate men in America, and though Boston merchants tried to preserve nonimportation, the other commercial towns resumed trade, thereby forcing Boston to follow suit.³

During the early part of 1770, Franklin had taken an active part in the repeal movement. By a series of press articles, written either by Franklin or someone in his confidence who had access to his files, there was a considerable effort to give impetus to the American cause. The ideas presented were not too original, but the articles were significant as propaganda literature.⁴ The articles started appearing in January and continued until March 5, ending when the chances of total repeal disappeared. The series put forth Franklin's old argument of the importance of the colonies as a growing part of the British Empire. While not actually admitting the right of parliament to regulate

²Curtis P. Nettels, The Roots of American Civilization, 636.

³Ibid., 637.

⁴"The Colonist's Advocate Number I," Crane, Letters to the Press, 167.

colonial trade, it was admitted that the colonists had always submitted to it. The colonial argument was not against the power of parliament but against the unconstitutional use of this power. This had been brought about by taxation, legislation of writs of assistance, and attempts to destroy the effectiveness of colonial assemblies. The articles stressed the fact that the colonists were not seeking independence, only justice. The inexpediency of the taxes and of trade restrictions was pointed out. The best way to govern the colonies was to leave them alone. If the unjust taxes were not set aside, then, according to "The Colonist's Advocate" separation might indeed occur.⁵

These propaganda pieces had been an attempt to bring an end to the Townshend duties and naturally did not contain Franklin's more extreme personal views. He was somewhat more candid to Charles Thomson, and in a letter written on March 18, 1770, Franklin referred to "the idle notion of the dignity and sovereignty of Parliament."⁶ In June, 1770, Franklin was sure that the duty on tea would be repealed in the next session of parliament. He told Samuel Cooper that the parliament was sure to comply to the will of the nation. In this letter Franklin had also discussed his private concept of parliamentary authority. He wrote of the practice of

⁵ Ibid., Numbers I-XI, 168-209.

⁶ Bigelow, Works, V, 179-180.

keeping a standing army in the colonies and said he felt it unconstitutional. The colonies were so many separate states, and it was the right of each state to be consulted as to the establishment of an armed force. Franklin continued by writing that, in his opinion, the colonies were and always had been distinct states. He based this idea on the original colonial charters and on the conduct of Britain toward them before the Restoration. Since the Restoration, parliament had "usurped an authority of making laws for them which before it had not."⁷ Franklin pointed out that the colonists had submitted to the usurpation through inattention and through inability to protest. He said that he hoped colonial rights would soon be better understood and restored. Until this did occur, he urged that:

. . . such expressions as the Supreme authority of Parliament, subordnacy of our assemblies to the Parliament, and the like, which in reality mean nothing, If our assemblies, with the King, have a true legislative authority; I say, I could wish that such expressions were no more seen in our public pieces. They are too strong for compliment, and tend to confirm a claim of subjects in one part of the King's dominions to be sovereigns over their fellow-subjects in another part of his dominions, when in truth they have no such right, and their claim is founded only in usurpation, the several states having equal rights and liberties, and being only connected as England and Scotland were before the union, by having one common sovereign, the King.⁸

Franklin seemed to have reached the point of being more

⁷ Ibid., 188.

⁸ Ibid., 188-189.

confident of the constitutional basis of his ideas; thus while not urging denial of parliamentary supremacy, he at least wished for the end of any expression of consent to it. This is not surprising since Franklin himself had long followed this practice. He admitted to Cooper that none in the parliament would agree with this doctrine. He felt that this was to be expected since parliament had long been assuming too many rights. In Franklin's mind the colonial assemblies were the only legislators for the colonists and thus should not be limited by parliament. He continued to express loyalty to the king and felt that the king might help the colonists escape the arbitrary power of the British legislature. As to the argument that it would not be convenient for an empire to be divided into so many states, Franklin felt that:

. . . an inconvenience proves nothing but itself. England and Scotland were once separate states, under the same King. The inconvenience found in their being separate states did not prove that the Parliament of England had a right to govern Scotland. A formal union was thought necessary, and England was a hundred years soliciting it before she could bring it about. If Great Britain now thinks such a union necessary with us, let her propose her terms, and we may consider them. Were the general sentiment of this nation to be consulted in the case, I should hope the terms, whether practicable or not, would at least be equitable; for I think that, except among those with whom the spirit of Toryism prevails, the popular inclination here is to wish us well, and that we may preserve our liberties.⁹

⁹ Ibid., 189-190.

Franklin made it clear that his opinion had been given in confidence but he was losing some of his reluctance to make his views known. He told Cooper that his replies to Strahan had been copied and passed among members of parliament. He did not seem concerned and only commented, "I wish you may be able to read them, as they are very badly written by a very blundering clerk."¹⁰

Although Franklin's ideas and perception seemed to be beyond those of most colonial leaders, he remained confident that England would restore colonial rights before any irreparable damage was done. On October 2, 1770, he wrote M. Dubourg and while stating that the colonies had "the same King, but not the Same legislatures,"¹¹ he also felt that:

. . . the Parliament of England will finally abandon its present pretensions, and leave us to the peaceable enjoyment of our rights and privileges.¹²

As a result of this optimism and because of his great desire to hold the empire together, Franklin had continued in his press campaign. In a pseudonymous article printed in the London Chronicle on November 8, 1770, he again expressed his support of nonimportation and criticized Britain's practice of sending soldiers to silence complaints rather than attaining this silence by removing the cause. He referred to the

¹⁰ Ibid., 191.

¹¹ Ibid., 211.

¹² Ibid., 212.

Boston massacre as an example of the misconduct of the soldiers and warned that:

. . . harsh treatment [might] increase the inflammation, make the cure less practicable, and in time bring on the necessity of an amputation; death indeed to the severed limb, weakness and lameness to the mutilated body.¹³

He also continued to follow his own advice of not admitting to the authority of parliament. He referred to the colonies as separate countries and while agreeing that they were loyal to the king, he made no mention of any such loyalty to parliament.¹⁴ In a letter of December 24 to Thomas Cushing, Franklin commented on his recent appointment as agent for Massachusetts. He stated rather bluntly that he intended to oppose attempts to alter the Massachusetts charter by:

. . . declaring openly [his] opinion on all occasions, that, the charter being a compact between the King and the people of the colony, who were out of the realm of Great Britain, there existed nowhere on earth a power to alter it, while its terms were complied with, without the consent of BOTH the contracting parties. . . .¹⁵

Obviously Franklin had become somewhat more outspoken to his friends, and the indication was that he intended to follow this practice in his public statements. His only fear in regard to speaking out was that he would make enemies

¹³"Rise and Present State of our Misunderstanding," Crane, Letters to the Press, 220.

¹⁴Ibid., 216-220.

¹⁵Bigelow, Works, V, 218.

in England and therefore become less effective as a colonial spokesman. He had a low opinion of Lord Hillsborough, secretary of state for America, and in January, 1770, they argued over the validity of Franklin's appointment as agent for Massachusetts. This argument just increased the mutual dislike. Franklin was not too concerned about this, however, because he felt Hillsborough was disliked by his colleagues in the ministry and would soon be replaced.¹⁶ Franklin was also becoming concerned about the possibility of disunion but felt that if this occurred it would not be in the near future. He wrote the Massachusetts Committee of Correspondence in May of 1771 and urged the colonists to conduct themselves in such a way as to be free of blame if revolution did occur. He pointed out that the only way to bring harmony was for Britain to allow the colonies to enforce and collect customs duties by their own laws.¹⁷ In 1772 when Franklin learned that parliament had no intention of repealing old duties nor of levying new ones, he was disappointed and wrote the Committee of Correspondence in Massachusetts that he felt "no harmony would be restored between the two countries while these customs duties are continued."¹⁸ There can be no doubt that Franklin viewed the possibility of the disruption of the

¹⁶ Ibid., 230.

¹⁷ Ibid., 245-247.

¹⁸ Ibid., 278.

empire as a catastrophe. He hoped that it could be postponed, but he was not willing for the postponement to be at the expense of colonial liberties. He remained determined to protect colonial rights, and he continued in his belief that these rights would be destroyed if Britain were allowed to weaken the colonial assemblies.¹⁹

Franklin's dispute with Hillsborough had been brought on because the ministry refused to recognize agents who had not been approved by the governor of the particular colony. Since the governor was the king's representative, Franklin felt this practice too closely akin to government by instruction. Although he was willing to accept the sovereignty of the king, he was not willing to accept any idea that the king was the legislator for the colonies. Just as he had rejected the legislative authority of parliament, he had also rejected any claim that the king had this right. To Franklin, legislation should be carried out by a body in which the people were represented, and in the case of the colonies, this representation was best and most easily attained in the colonial assemblies. Thus by early 1772 Franklin had not only denied the legislative authority of parliament but had expressed his opinion on the limits to the authority of the king.²⁰ If agents must be approved by the governors,

¹⁹Van Doren, Benjamin Franklin, 388-390.

²⁰Bigelow, Works, V, 283-286.

Franklin felt that this was the same as approval by the ministry. If this was the situation, the agents would be of no use to the colonies and he suggested to Cushing that:

. . . we should omit sending any, and leave the crown, when it wants our aids, or would transact business with us, to send its minister to the colonies.²¹

Franklin was somewhat encouraged when Hillsborough was replaced by Lord Dartmouth who Franklin felt had "much more favorable dispositions towards the colonies."²² A writer in the Gazetteer on September 7, 1772, defended the policies of Hillsborough and Franklin drafted a reply. Although there is no record of its being printed, it did give a statement of Franklin's attitude toward the king and the ministry. He agreed to the sovereignty of the king but pointed out that the colonists were Whigs and:

. . . whenever the Crown [assumed] Prerogatives it [had] not, or [made] unwarrantable use of those it [had], they [would] oppose as far as they were able.²³

Franklin still held to the idea that the colonies owed loyalty to the king and in November told Lord Dartmouth that

²¹ Ibid., 326-328.

²² Ibid., 369.

²³ "Reply to a Friend of Lord Hillsborough," Crane, Letters to the Press, 224.

the king seemed to be the only surviving link between America and England.²⁴

Franklin remained sure that if the Americans continued nonimportation beneficial results would occur. The East India Company was suffering financial losses; thus parliament was considering a repeal of the tax on tea. He was so confident that he even considered returning to America but was persuaded to stay until parliament adjourned. He only asked that:

. . . great care will be taken to keep our people quiet; since nothing is more wished for by our enemies than, by insurrections, we should give a good pretence for increasing the military among us and putting us under more severe restraints.²⁵

He felt that if Americans were patient, the importance of America would soon be recognized and all rights would be restored.²⁶ In writing to his son in April 1773, Franklin again spoke of returning to America, hoping to leave England the following summer.

There were, however, several events that occurred which delayed Franklin's departure. Franklin had gained possession of letters written by Thomas Hutchinson before he became acting governor. In these letters the point was made that it was necessary to restrict some of what were thought

²⁴ Bigelow, Works, V, 390.

²⁵ Ibid., 89.

²⁶ Ibid.

to be English liberties and that the crown officials should be made independent of the assemblies. These letters were written during the years of 1767-1769. Franklin sent them to Cushing to be shown to the Massachusetts Committee of Correspondence. He stipulated that they should not be published because of the danger of misunderstanding which might bring about riots and violence. What Franklin had in mind was that the letters would convince the Massachusetts leaders that the ministry had been misled by such as Hutchinson. When the letters reached Boston, they were made public and caused a great turmoil.

In May the news of the colonial reaction to the Hutchinson letters had not yet come to England; thus Franklin was only concerned with the debates between the Massachusetts governor and the assembly. The assembly had strongly declared its legislative independence of parliament and Governor Hutchinson had reported the declaration to Dartmouth. Dartmouth wanted to keep matters quiet and feared that if he submitted the dispatches to parliament, it might take some angry step that would only make matters worse.²⁷ On May 6, 1773, Franklin wrote Cushing and told him of a conversation he had with Dartmouth concerning this matter. Dartmouth had indicated that this opposition to parliament's authority could not be ignored. Franklin assured Dartmouth, somewhat

²⁷ Van Doren, Benjamin Franklin, 444-448.

inaccurately, that he also wanted to establish the authority of parliament. However, he did warn that there was nothing parliament could do to increase its authority because every step it took in this direction would cause more hostility in the colonies. This would finally result in parliament losing all its authority. He concluded that:

. . . the loss in itself perhaps would not be of much consequence, because it is an authority they can never well exercise for want of due information and knowledge, and therefore it is not worth hazarding the mischief to preserve it.²⁸

The assembly in its declaration had stated that it was adopting a system proposed by an "American advocate."²⁹ This advocate was Franklin. In spite of the now obvious distance between British and American thinking Franklin hoped for reconciliation. However, he had unknowingly helped defeat this hope by sending the Hutchinson letters. The letters were published in Massachusetts as the basis of an appeal to the king to remove Hutchinson and Oliver from office. Franklin still tried to smooth things over and assured Dartmouth that the colonists were not trying to bring about innovations; they were just trying to return things to the state they had been in before the end of the Seven Years' War.

Adding to the tension was the passage of the Tea Act in May of 1773. The act granted a full rebate of British

²⁸Bigelow, Works, VI, 118.

²⁹Crane, Rising People, 141.

import duties to the East India Company, which allowed it to sell dutied tea in the colonies cheaper than the smuggled Holland article. Patriots again cried out against taxation by parliament, and the merchants were alarmed by the monopoly accorded the company which was permitted to sell tea directly through its own agents in colonial ports. Opposition to the landing of cargos of tea spread, resulting in the famous Boston Tea Party of December 16, 1773.³⁰

In July of 1773 Franklin had again written to Cushing on the question of parliamentary authority. He pointed out that most members of parliament and most advisors of the king felt parliament supreme over the colonies. He said that this authority was thought to be a part of the Constitution. As a result it was doubtful that many in England could be convinced otherwise.³¹ Franklin was still holding to his idea of loyalty to the king, but he continued to deny the authority of the British Parliament. He was sure that parliament had no right to legislate for the colonies, and he was coming to the conclusion that soon it would lose what power it had as well. He wrote Samuel Mather in July that parliament claimed the authority to "make laws binding the colonists in all cases whatsoever"³² but added that:

³⁰ Ibid., 142-144.

³¹ Bigelow, Works, VI, 156.

³² Ibid., 164.

. . . power [did] not infer right; and, as the right is nothing, and the power, by our increase, continually diminishing, the one will soon be as insignificant as the other.³³

Although Franklin was still interested in a peaceful settlement of the disputes between America and Britain, he had started to abandon some of the illusions he had held regarding the king. He wrote his son William on June 14, 1773, that "the late measures have been, I suspect, very much the king's own. . . ." ³⁴ Franklin added that by proper management some of the wrong impressions the king had might be removed. He felt this was the only way to bring a speedy redress to the colonists. Thus Franklin, who had long held that the colonies were bound to the empire only through the king, admitted that the king himself was a partisan, not an objective ruler over all his subjects.

In September Franklin wrote for the Public Advertiser two satires in which his complaints against the ministry were edged with insulting irony. Rules by Which a Great Empire May Be Reduced to a Small One carried on the long standing feud with Hillsborough. Step by step Franklin went through the measures the ministry had enacted, he insinuated, in American affairs in order to estrange and embitter the colonists. The first rule was to remember that a great empire

³³Ibid.

³⁴Ibid., 175.

was most easily diminished at the edges; get rid of the remotest provinces first and the rest will follow in order. This satire was aimed at the ministry and at its American policy.³⁵ He next aimed at a higher mark and wrote An Edict by the King of Prussia. The edict stated that Britain had been settled by colonists from Germany, had never been emancipated, and had never yielded a substantial revenue to "our august house."³⁶ Since Prussia had fought in the last war and had defended the colonies against France, it was only just that some compensation be paid. As a result:

. . . a revenue should be raised from the said colonies in Britain, towards our indemnification; and that those who are descendants of our ancient subjects, and thence still owe us due obedience, should contribute to the replenishing of our royal coffers (as they must have done, had their ancestors remained in the territories now to us appertaining); we do therefore hereby ordain and command that, from and after the date of these presents, there shall be levied and paid to our officers of the customs, on all goods, wares, and merchandises, and on all grain and other produce of the earth, exported from the said island of Britain, and on all goods of whatever kind imported into the same, a duty of four and a half per cent ad valorem, for the use of us and our successors.³⁷

The King of Prussia then proceeded to impose on Britain, by virtue of the edict, all the commercial and manufacturing

³⁵Smyth, Writings, VI, 127-137.

³⁶Bigelow, Works, VI, 196.

³⁷Ibid., 196-197.

restrictions that Britain had enacted against the colonies.

Franklin ended the tract with the statement:

We flatter ourselves that these our royal regulations and commands will be thought just and reasonable by our much favored colonists in England; the said regulations being copies from their statutes, and from other equitable laws made by their Parliaments; or from instructions given by their princes; or from resolutions of both houses, entered into for the good government of their own colonies in Ireland and America.³⁸

These papers were written in an effort to point out the "absurdity of the measures towards America, and to spur the ministry, if possible to a change of those measures."³⁹ They were written in "out-of-the-way forms"⁴⁰ in order to attract attention.

While striving to enlighten the ministry and end dispute, Franklin remained firm in his belief that parliament enjoyed no authority over America. He wrote his son William in October 1773:

From a long and thorough consideration of the subject, I am indeed of opinion that the Parliament has no right to make any law whatever, binding on the colonies; that the king, and not the king, Lords, and Commons collectively, is their sovereign. . . .⁴¹

Because of his advanced views and his activity on behalf of the colonies, Franklin was becoming rather

³⁸ Ibid., 200.

³⁹ Ibid., 202.

⁴⁰ Ibid., 223.

⁴¹ Ibid., 222.

unpopular with the ministry. News of the "insurrection" in Boston, challenges of parliamentary authority, the move to oust Hutchinson and Oliver, as well as the destruction of property in the Tea Party, resulted in a decision to punish the rebellious town and province. A good beginning for sterner measures would be the exposure and punishment of the colony agent. Franklin was summoned to appear before a committee of the Privy Council on January 11, 1774. A postponement was granted, but before the second hearing was held, news of the Boston Tea Party was published causing a violent reaction. In the hearing Franklin was accused of being the force behind the Boston troubles. He was said to be attempting to create an American republic and was blamed for fostering the ideas stated in the Boston resolves of 1772. Franklin was dismissed from his place in the postal service. Naturally Franklin had never entertained the idea of bringing about rebellion and his entire effort had been to preserve the empire. It is true, however, that he had questioned the authority of the British Parliament at an early date and while publicly discrete, he was free in expressing his ideas to friends in England and America. That he was the sole creator of the ideas that the colonists came to embrace is doubtful. However, there can be no doubt that

his ideas must have had an effect on the thinking of many colonial leaders with whom he corresponded.⁴²

Soon after the hearing, there was talk of punishment for Boston. Between March 31 and May 17, the Coercive Acts were passed. By these acts the port of Boston was closed, the customs officials were moved to Salem, trials in capital cases could be moved to Britain, and the Massachusetts charter was virtually annulled. Members of the council were to be appointed by the king and town meetings were to be strictly regulated.⁴³ Another measure was also passed which did justice to the French inhabitants in regard to religion and law. This Quebec Act also extended the boundaries of Quebec to the Ohio River, and as a result limited the western claims of Virginia and other seaboard colonies.⁴⁴

Franklin felt that the British property destroyed in Boston should be paid for but was by no means in favor of the harsh measures. On March 9, 1774, in the Public Advertiser, he pseudonymously pointed out that the colonies could, if necessary, survive without British trade but wondered if Britain would be able to bear the inconveniences that would occur. He also asserted the opinion that Americans did not agree to being subject to the authority of the British

⁴²Crane, Rising People, 144-147.

⁴³Morris, Encyclopedia, 82-83.

⁴⁴Crane, Rising People, 148.

Parliament. They recognized only their loyalty to the king.⁴⁵ In a tract, which was not published, Franklin defended his action in the affair of the Hutchinson letter. Franklin again expressed his feelings on the sovereignty of parliament. He was convinced that the colonists were bound to Britain only through the king. He felt that:

. . . in removing to America, a country out of the realm, they did not carry with them the statutes then existing; for, if they did, the Puritans must have been subject there to the same grievous act of conformity, tithes, spiritual courts, etc., which they meant to be free from by going thither; and in vain would they have left their native country, and all the conveniences and comforts of its improved state, to combat the hardships of a new settlement in a distant wilderness, if they had taken with them what they meant to fly from, or if they had left a power behind them, to bind them in America. They took with them, however, by compact, their allegiance to the king, and a legislative power for the making a new body of laws with his assent, by which they were to be governed. Hence they became distinct states, under the same prince, united as Ireland is to the crown, but not to the realm of England, and governed each by its own laws, though with the same sovereign, and having each the right of granting its own money to that sovereign.⁴⁶

He added that he considered the king's authority over the colonies all important as a means of preserving peace, of settling disputes, and of acting as a center around which all could unite to fight a foreign enemy. He stated that "this authority when acting within its due limits, should be ever

⁴⁵"On the Consequences of Blockading America," Crane, Letters to the Press, 249-252.

⁴⁶Bigelow, Works, VI, 373.

as carefully supported by the colonists as by the inhabitants of Britain."⁴⁷ While admitting to the authority of the king within its proper limits, Franklin continued to deny that parliament had any authority at all. On November 19 in the Public Ledger Franklin wrote pseudonymously as "An American" and stated that:

. . . they [Parliament] have made the said acts without any RIGHT or AUTHORITY . . . it is certain the Americans NEVER WILL acknowledge the legislative and TAXING power of the British Parliament. . . .⁴⁸

In the colonies the Coercive Acts caused a reaction which resulted in a Continental Congress which met in September of 1774. Men of all opinions attended, among them the conservative Joseph Galloway armed with a Plan of Union. The Congress tabled Galloway's plan, endorsed the radical Suffolk County Resolves, and enacted the Continental Association with local committees to enforce nonimportation, nonconsumption, and nonexportation. The congress adopted the Declaration and Resolves which named all oppressive measures enacted since 1763 and demanded their repeal. Colonial rights were defined in terms of life, liberty, and property, and it was asserted

⁴⁷ Ibid., 373-374.

⁴⁸ "The Question Discussed," Crane, Letters to the Press, 271.

that colonial assemblies had exclusive power to legislate in all cases of taxation and internal policy, subject to royal veto.

These papers, along with a petition to the king, and addresses to the British and American people, came into Franklin's hands in December, 1774. He hoped that the petition would bring a change of the measures, but this was not the case. The petition was submitted to the king and he sent it to the parliament along with many other American papers. As a result it received no special attention. Parliament became more and more bent on an authoritative approach to colonial affairs and Franklin became alarmed. He was still willing to bear anything, short of risking American liberties, rather than go to war with the mother country.⁴⁹ Franklin was still interested in establishing some plan for uniting the colonies to Britain, but he felt certain preliminary articles should be agreed to before any plan of union was brought up for discussion. He wrote Galloway in February, 1775, and enumerated these conditions. The Declaratory Act would have to be repealed along with all acts laying duties on the colonies. Parliament should abolish all measures altering the charters, constitutions, or laws of any colony and all restraint of colonial manufacturing should be lifted. All acts regulating colonial commerce should be

⁴⁹Crane, Rising People, 151-153.

repealed, and those necessary for the good of the whole empire should be repassed by both the British and American parliaments. To insure that these regulatory acts were faithfully executed the duties collected in each colony should be given to the treasury of that colony. Also the customs officials in each colony should be appointed by the assembly with consent of the governor. Their salaries should be established in the same manner and paid by the assemblies.⁵⁰ Thus Franklin stated some of the conditions he had proposed to Shirley twenty years earlier. To these he had added others which the changed circumstances had made necessary. He was, however, very doubtful as to the possibility of Britain accepting his stipulations. Even assuming British acceptance, Franklin still had reservations. He told Galloway in 1775 that:

. . . when he considered the extreme corruption prevalent among all orders of men in this old, rotten state, and the glorious public virtue so predominant in our rising country, I cannot but apprehend more mischief than benefit from a closer union.⁵¹

In spite of his reservations Franklin tried to explore all possible avenues to accommodation but to no avail. In late February Dartmouth dispatched long-delayed orders to General Gage. These orders led on April 19 to the march on Concord and the outbreak of armed conflict in Massachusetts.

⁵⁰ Bigelow, Works, VI, 432-433.

⁵¹ Ibid., 431.

Franklin was by then on his way back to America. His negotiations for promoting peace had failed, and though deeply stirred by the prospect of civil war, he thought he had done all he could to prevent it.

During his last years in England, Franklin had become more convinced than ever that the colonies were the equals of the mother country and had never owed any loyalty to the British Parliament. Under no circumstances did parliament have the right to legislate for the colonies; they were united to the mother country only through a common sovereign. While holding these views, Franklin had attempted to avoid dispute and promote peace. He was always mindful of the protection of colonial liberties and was determined that they must be maintained at all cost. He had started to wonder about the intentions of the king and had come to believe that many of the measures abusing the colonies were favored by the sovereign. Thus when violence occurred and all doors to compromise finally closed, Franklin was moved to renounce allegiance to a tyrannical king.⁵²

⁵² Rossiter, Seedtime of the Republic, 308.

CHAPTER VII

SUMMARY AND CONCLUSIONS

Prior to 1764 the constitutional question of the authority of the British Parliament to legislate for her North American colonies was not yet a prominent issue. Benjamin Franklin, along with most colonial leaders, was more concerned with other matters; therefore, Franklin's early ideas on the legislative authority of the British Parliament must be determined by examining statements made in relation to the problems of the time. He did, in 1751, question the wisdom of any artificial interference with colonial commerce and manufacturing, but he made no denial of Parliament's authority or right to legislate in this area. Instead he pointed out the inexpediency of the practice and felt it would injure colonial development and British prosperity. Franklin saw a great future for America and strongly believed that this future would best be realized by local rule and responsibility. He urged a union between the colonies and the mother country but was insistent that colonial rights be protected. He advanced his ideas in the conference at Albany in 1754, and though he did compromise his position to some degree, he remained firm on the relationship of taxation and representation. The colonists should be represented in the

Grand Council and taxes should be "proposed and agreed to by the representatives of the people."¹

The plan for union that was drawn up at Albany was not put into effect and an alternative measure was proposed by Governor Shirley. In letters to the Governor written in 1754 Franklin admitted that the colonists did not object to paying "secondary taxes" derived from commercial and manufacturing restraints. However, he strongly objected to the payment of "immediate heavy taxes" levied by parliament.² Franklin felt that this would be an infringement on the rights of Englishmen.

When discussing Shirley's idea of a closer union with Britain by allowing the colonies representatives in the British Parliament, Franklin said that such a union might be acceptable. However, he did feel certain conditions should be met. The colonies should be allowed what Franklin called a reasonable number of representatives and all laws concerning colonial commerce and manufacturing should be repealed. If such laws were really necessary, then they could be repassed by the new parliament in which the colonies were represented. Franklin felt a union of this type would be compatible with the English constitution and with English liberty. He also felt that it would strengthen the whole

¹ Bigelow, Works, III, 27.

² Ibid., 53.

empire and lessen the danger of any future separation.³ Although Franklin did not question the right of parliament to regulate commerce and manufacturing, he did question the fairness of the practice and even at this early date wondered if colonial rights were being fully respected.

During the Seven Years' War, Franklin became involved in a dispute between the Pennsylvania assembly and the Penns. He was chosen by the assembly to represent them in this controversy and was in England from July 1757 until his return to America in November 1762. During this controversy, Franklin tended to lose sight of the danger of parliamentary encroachment on colonial rights in his attempt to bring Pennsylvania under royal rule. In spite of this, he did remain loyal to his faith in local rule and responsibilities and indicated that this might be achieved in the colonial assemblies. Franklin continued in his activity against the proprietary rule in Pennsylvania and was slow to grasp the importance of the new colonial measures proposed by Grenville. In December of 1763 Jackson had written that the British Parliament had a right to tax the colonies as well as regulate their trade.⁴ Although Franklin had never agreed to this concept of the authority of parliament, he made no attempt to deny it. He merely pointed out that if Britain

³Ibid., 55-56.

⁴Van Doren, Franklin-Jackson Papers, 123-124.

taxed the colonies too heavily she would injure herself as well as the colonies;⁵ what Britain gained from the colonies in taxes she would lose in trade.⁶

Most colonists were more concerned over the new measures, and protest grew against the Revenue Act. Non-importation was the method used by the colonists to make their dissatisfaction felt, and Franklin had encouraged this method of protest.⁷ Also many colonial leaders based their arguments on the ideas Franklin had expressed in his correspondence with Shirley in 1754. However, aside from this, Franklin offered no answers to the colonial problems and was not too concerned with the growing unrest.

The most serious part of the Grenville program was the proposed stamp tax and again Franklin offered no leadership in opposition. The ministry wanted the colonies to apply for a stamp tax in order to avoid protest which might result if it was imposed by parliament. Franklin doubted that the colonies would ever request such a tax, but he did suggest some alternatives. Two of these alternatives were based on the ideas expressed in the Shirley correspondence and the third was his paper money idea.⁸ None of these alternatives

⁵Ibid., 136.

⁶Van Doren, Autobiographical Writings, 145.

⁷Smyth, Writings, IV, 269-271.

⁸Van Doren, Autobiographical Writings, 155-156.

was accepted, and the Stamp Act was passed in 1765 with little parliamentary opposition.

During the crisis over the Grenville revenue measures, Franklin took a course somewhat inconsistent with his earlier ideas stated in 1754. He was concerned with the problems in Pennsylvania and probably felt that any strong protest on his part would harm the chance of securing royal rule for the colony. Because of his leadership in Pennsylvania, he was chosen by the assembly to represent it in England and attempt to induce the crown to take over the government of Pennsylvania. In December, 1765, Franklin arrived in London. Soon the Pennsylvania issue was pushed aside by the Stamp Act controversy.

Franklin did not expect a great deal of opposition to the measure, and though he considered it a mistake, he was willing to abide by the law. He even submitted the names of some friends to serve as collectors. Again protest grew in the colonies and soon Franklin hurried to assume a place of leadership in the colonial protest.⁹ Because of nonimportation practiced by the colonists and internal problems in Great Britain, the stamp tax was repealed in March of 1766. The repeal of the Stamp Act brought the passage of the Declaratory Act, but the colonists tended to ignore this assertion of parliamentary authority.

⁹Morse, Benjamin Franklin, 110-111.

During the repeal movement, Franklin had taken an active part. He continued to urge a legislative union between Britain and the colonies, but he had started to doubt if it would ever be accepted. He pointed out the inexpediency of the stamp tax and urged repeal on this basis. Also in 1766 Franklin began to assert views far ahead of anything he had advocated earlier. On January 11 he pseudonymously stated that the colonies were dominions of the king and whether they were subordinate to the British Parliament was a question that had not yet been answered.¹⁰ Because of his interest in repeal Franklin did not want to antagonize the British ministry; thus he did not vigorously expound his new idea. In February he was questioned by the House of Commons and here brought up the distinction between "internal" and "external" taxation.¹¹

After the repeal of the stamp tax, Franklin continued in the formulation of his new doctrine. During 1766 he reached the conclusion that the king was the only sovereign over the colonies and that the colonies had never been legally subject to the authority of the British Parliament.¹²

When the Rockingham ministry was replaced and Townshend became chancellor of the exchequer, new problems arose

¹⁰Crane, Letters to the Press, 48.

¹¹Bigelow, Works, IV, 186.

¹²Ibid., 253-275.

to disrupt relations between Britain and America. The colonial point of view was expressed in the Dickinson letters. The ideas expressed by Dickinson prompted Franklin to inform his son in 1768 that in his opinion the colonies owed no loyalty to the British legislature.¹³ He continued to privately expound this doctrine throughout 1768 and 1769.

The North ministry came into power in 1770, and the Townshend duties, with the exception of the one on tea, were repealed. Franklin was active in the repeal movement and was instrumental in the writing of press articles to further this aim. He urged that the colonists make no more expressions of the supreme authority of the British Parliament and by 1770 he was no longer so eager to keep his new doctrine on the authority of parliament a secret from the public.¹⁴ He was still interested in bringing about harmony between the two countries but he did not want reconciliation to be at the expense of colonial liberties.¹⁵

In September 1773 Franklin's writings became somewhat insulting to the ministry that had been trying his patience by continuing in an American policy which Franklin considered absurd as well as harmful. In 1774 Franklin was summoned

¹³Ibid., 408-411.

¹⁴Bigelow, Works, V, 218.

¹⁵"Reply to a Friend of Lord Hillsborough," Crane, Letters to the Press, 224.

before a committee of the Privy Council. He was accused of attempting to establish an American republic and was dismissed from his position in the postal service. This punishment did not stop Franklin's activity nor did it alter his opinion on the authority of the British Parliament.¹⁶ He still opposed the British policy and he continued to work toward some sort of legislative union between the two countries. These attempts proved to be unsuccessful, and when violence occurred at Concord, Franklin was already on his way back to America.

Franklin had served America well during the disturbing period between 1763 and 1775. He had maintained a strong sense of loyalty to the mother country, but at the same time he was a strong supporter of colonial rights. Although Franklin was not the only man with the opinion that parliament enjoyed no legislative authority over America, he was one of the first to accept the idea. He did not publicly assert his doctrine because he could see no practical purpose for doing so. He was interested in reconciliation not revolution. However, his large correspondence, along with his press articles, must have influenced the thinking of leaders in England and America, and no doubt won some converts. At no time did Franklin urge separation or rebellion but when the break finally came he remained an American and sided with

¹⁶Bigelow, Works, V, 373.

the colonies. Franklin was extremely saddened and sorry to see the events occur that drew the two countries further and further apart. As the Anglo-American dispute grew, Franklin's dream of a legislative union between Britain and America diminished. The separation that he dreaded became a reality and destroyed his dream of a growing America contributing to the greatness of the British Empire.

BIBLIOGRAPHY

A. PRIMARY SOURCES

- Bigelow, John (ed.). The Works of Benjamin Franklin, 10 vols. New York: G. P. Putnam's Sons, 1904.
- Braeman, John (ed.). The Road to Independence, A Documentary History of the Causes of the American Revolution: 1763-1776. New York: G. P. Putnam's Sons, 1963.
- Commager, Henry Steele (ed.). Documents of American History. New York: Appleton-Century-Crofts, Inc., 1958.
- ✓ Crane, Verner W. (ed.). Benjamin Franklin's Letters to the Press. Chapel Hill: The University of North Carolina Press, 1950.
- ✓ Labaree, L. W. (ed.). Papers of Benjamin Franklin, 7 vols. New Haven: Yale University Press, 1959-63.
- Smyth, Albert H. (ed.). The Writings of Benjamin Franklin, 10 vols. New York: The MacMillan Company, 1907.
- ✓ Van Doren, Carl (ed.). Benjamin Franklin's Autobiographical Writings. New York: The Viking Press, 1945.
- ✓ Van Doren, Carl (ed.). Letters and Papers of Benjamin Franklin and Richard Jackson 1753-1785. Philadelphia: The American Philosophical Society, 1947.

B. SECONDARY SOURCES

- Adams, Randolph G. Political Ideas of the American Revolution. New York: Barnes and Noble, Inc., 1958.
- ✓ Bancroft, George. History of the United States of America, 6 vols. New York: D. Appleton and Company, 1883-1885.
- Barck, Theodore Oscar Jr. and Hugh Talmage Lefler. Colonial America. New York: The MacMillan Company, 1958.
- ✓ Crane, Verner W. Benjamin Franklin and a Rising People. Boston: Little, Brown, and Company, 1954.
- Fisk, John. The American Revolution, 2 vols. New York: Houghton Mifflin and Company, 1891.
- Gipson, Lawrence Henry. The Coming of the Revolution. New York: Harper and Brothers, 1954.

- Keyes, Nelson Beecher. Ben Franklin. Kingswood, England: The Worlds Work Ltd., 1956.
- Knollenberg, Bernhard. Origin of the American Revolution 1759-1766. New York: Collier Books, 1961.
- Morgan, Edmund S. The Birth of the Republic. Chicago: The University of Chicago Press, 1956.
- ✓ Morgan, Edmund S. and Helen M. The Stamp Act Crisis. Chapel Hill: The University of North Carolina Press, 1953.
- ✓ Morris, Richard B. (ed.). Encyclopedia of American History. New York: Harper and Brothers, 1961.
- Morse, John T. Jr. Benjamin Franklin. New York: Houghton Mifflin and Company, 1899.
- Nettels, Curtis P. The Roots of American Civilization. New York: Appleton-Century-Crofts, Inc., 1938.
- Pownall, Charles A. W. Thomas Pownall. London, England: Henry Stevens, Son and Stiles, 1908.
- Ridpath, John Clark. The New Complete History of the United States of America, 12 vols. Chicago: Elliot-Madison Company, 1914.
- Rossiter, Clinton. Seedtime of the Republic. New York: Harcourt, Brace and World, Inc., 1953.
- Van Doren, Carl. Benjamin Franklin. New York: The Viking Press, 1958.
- Van Tyne, Claude H. The Causes of the War of Independence. New York: Peter Smith, 1951.

Vita was removed during scanning