

The Declaratory Act as Portrayed in Colonial American Newspapers

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The Declaratory Act was issued simultaneously with the repeal of the Stamp Act on March 18, 1766. It was a vague, elusive piece of legislation that declared Parliamentary supremacy over the American colonies “in all cases whatsoever.”¹ Initially, colonists paid little attention to it, mainly due to their jubilation over the rescinding of the Stamp Act. However, over the next several years it became a devastating document that cleared the way for the Townshend Acts, the Tea Act, and other subsequent Parliamentary measures. The Declaratory Act was what Parliament pointed to when questioned over their right to tax and make laws in the colonies, and it would be continually tied to Britain’s right to legislate for America.

Eighteenth-century newspapers were Americans’ main source for news, both at home and abroad. Opinions and editorials saturated the papers, especially in the early Revolutionary years of the 1760s and 70s. People learned what laws Parliament issued concerning them, and also their own American brethren’s opinions. The newspapers became a powerful tool for writers to sway public opinion, and more influential than any of his contemporaries was John Dickinson. Dickinson, in *Letters from a Farmer*, criticized Parliament for clamping down on colonists’ rights while also calling his countrymen to resistance.²

¹ John Ferling, *A Leap in the Dark* (Oxford: Oxford University Press, 2003), 54. Ferling calls the Declaratory Act “a bold pronouncement declaring that capitulation on the Stamp Tax issue did not mean that London concurred with the constitutional stand of the American radicals, and indeed that Parliament had the authority to make laws for the colonies ‘in all cases whatsoever.’” Ferling surmises that the colonists “dismissed the statement as simply the bravado of a defeated ministry.”

² Dickinson’s *Letters from a Farmer* “first appeared in a dozen installments in a Philadelphia newspaper between December 1767 and February 1768, [and] was ultimately printed in twenty-one of the twenty-five colonial newspapers.”

Dickinson wrote a letter for the *Boston Chronicle* in late January-early February, 1768. The timing of his letter was important: the Townshend Acts had been passed the year before, thus giving clearer meaning to the foggy terms laid out in the Declaratory Act. Now Parliament was reasserting its right to tax the colonies. Dickinson first tried to discredit the Act outright, writing: “instantly on repealing the stamp-act, an act passed, declaring the power of parliament to bind these colonies in all cases whatever. This however was only planting a barren tree, that cast a shade in dread over the colonies, but yielded no fruit.”³

He also saw that the Declaratory Act was purposefully ambiguous, intending to hide Parliament’s true intentions. Dickinson stated that Parliament was “determined to enforce the authority on which the stamp-act was founded...and it being thought proper to disguise the authority in such a manner, as not again to alarm the colonies.”⁴ Two key points come to light here that help to understand the colonial view of the Act. First, it would always be tied psychologically to the Stamp Act. As the first was repealed, the second was ratified. Moreover, the colonists thought Parliament had sided with them in their view of no taxation without representation; the Declaratory Act eventually proved them wrong in that respect. Secondly, the way in which the Act was written demonstrated to Dickinson, among others, that Parliament was indeed trying to “disguise the authority,” which would make colonists question British motives and intentions.

Dickinson used the Declaratory Act to fuel opposition against Parliament’s right to tax the colonists in any manner, whether internal or external. In fact, the Act (and the Townshend Acts that followed) gave the colonial resistance effort new breath, igniting colonists to fight for the right to govern themselves. Dickinson, again writing in the *Chronicle*, questioned Parliament’s supremacy: “If they have any right to tax us, then whether our own money shall continue in our own pockets, or not depends no longer on *us*, but on *them*.”⁵ Here the Declaratory Act was seen

Ferling states that “the separate essays were gathered and issued in a pamphlet that outsold every other political tract published in America before 1776.” Ferling, *A Leap in the Dark*, 70.

³ *Boston Chronicle*, 25 January – 18 February, 1768.

⁴ *Ibid.*

⁵ *Ibid.*

through the lens of the new acts and legislation of Parliament in 1768. The Act was rarely ever attacked outright in the colonial newspapers, oftentimes only referred to as the Act that bound the colonies “in any case whatever,” but it was tied to all new measures and statutes because it became the precedent for all future Parliamentary authority.

Dickinson, in another *Boston Chronicle* article as a “Farmer,” again tried to make the case that the Declaratory Act was unconstitutional. The British Constitution was not a written document with specific rules and laws; it was the embodiment of English laws and customs passed down from the Magna Carta through the ages of history.⁶ Rules of governing and legislating were not easily altered, because such an edifice of standards, patterns and guidelines stood the test of time and was seen as effective. Dickinson said the Declaratory Act gave Parliament new found and unprecedented authority to make any and all laws concerning the colonies, despite being unconstitutional.

What but the indisputable, the acknowledged exclusive right of the colonies to tax themselves, could be the reason, that in this long period...no statute was ever passed for the sole purpose of raising a revenue on the colonies? And how clear, how cogent must that reason be, to which every parliament...for so long a time submitted, without a single attempt to innovate?⁷

There is a danger here in separating the Declaratory Act from its imprint on other acts, since viewing the acts alone leaves out the reasons for them. Indeed, the Declaratory Act was closely bound to all of Parliament’s acts concerning the colonies after 1766, because it was embodied in them. When people wrote about the Declaratory Act in newspapers, it was usually in regards to other acts of Parliament. Colonists saw the Quartering Act, Townshend Acts, and the Coercive Acts as measures taken by a British government that obtained its authority and supremacy from

⁶ The Magna Carta, issued by King John in 1215, is the foundation for the British constitution. It established guarantees of trial by jury and habeas corpus, and generally protected the citizenry’s well being from those ruling. The vagueness of the document has caused many over the centuries to interpret it differently, but its importance in being the basis for Western democracy is unquestioned.

⁷ *Boston Chronicle*, 11 January – 18 January, 1768.

the Declaratory Act. So while the Act itself declared Parliamentary authority, the muscle behind it was found in future legislation.

Other colonists, besides the farmer John Dickinson, had things to say about the Declaratory Act. Two years earlier, H.S. Conway wrote a letter to Governor Bernard of Massachusetts in June 1766, describing Parliament’s repeal of the Stamp Act and passage of the Declaratory Act. Perhaps Conway wished to find favor with Bernard, because his attitudes toward the colonial struggle and Parliamentary authority were markedly different from Dickinson’s. He exclaimed: “The Moderation, the Forbearance, the unexampled Lenity and Tenderness of Parliament towards the Colonies...cannot but dispose the Province committed to your Case, to that Return of cheerful Obedience to the Laws and Legislative Authority of Great-Britain.”⁸ In Conway’s mind, Parliament bent over backwards for the colonists by holding no ill will towards them after the riots spurred by the Stamp Act. The least the colonists could do, he argued, was to be obedient to Great Britain’s legislative authority.

There were many Americans living in London during the 1760s. Many relayed information back home about everything from Parliamentary debates to the mood of Englanders towards the colonies. One letter from London, published in the *Massachusetts Gazette* in April 1766, gave an honest account of Parliamentary debate over both the Stamp Act and Declaratory Act, and provides insight into the thinking and intentions of both Houses. The author informed his Massachusetts-anchored friend that, “your opposition to the authority of Great-Britain...have been highly resented by the government here.”⁹ From this account it is clear that colonial opposition was not towards Great Britain, or even Parliament, but opposition towards the authority assumed by Parliament. It is also obvious, yet necessary, to mention that Parliament “highly resented” this opposition. This resentment could have been the reason for the Declaratory Act.

The author explained that Parliament was not wholly in support of the Declaratory Act. It must have been reassuring “to hear that the great PITT, Mr. BARRE, and two or three others”

⁸ *Massachusetts Gazette*, 4 June, 1766.

⁹ *Ibid.*, 25 April, 1766.

opposed the Act in the House of Commons, and some “opposed also the first resolve in the House of Lords; but a resolve of the right of taxation is *made*.”¹⁰ This helps the modern reader understand that the Declaratory Act was not a unified Parliamentary effort, but was discussed by the members and even disputed by prominent Whig leaders, such as William Pitt.

Another insightful look at the thoughts and views of Parliament shows them to be desperately holding on to their authority and power over America. One must remember that while the repeal of the Stamp Act was being debated, the right of Parliament to issue laws and hold power over America was being discussed as well. They saw the loss of the Stamp Act as a sign of their waning control over the colonies. In this context, it makes much more sense when the Londoner wrote that “there are many, in both houses...who are vehemently against giving way in the least, but would force an implicit obedience even with fire and sword if necessary, but thank God a great majority are for softer measures.”¹¹

Again, in late January 1768, John Dickinson put pen to paper and warned his fellow colonists of the dangers of too much governmental power: “All artful rulers, who strive to extend their own power beyond its just limits, endeavor to give to their attempts as much semblance of legality as possible...That which is now supported by examples, growing old, will become an example itself.”¹² Dickinson’s point was that Parliament tried to make the Declaratory Act a legally justified and reasonable statute, one that over time would be so embedded in the loose fabric of the British Constitution that it would become permanent. This was a frightful warning that not only called colonists to attention, but also made them even more suspicious of Parliament’s intentions.

By the mid-1770s, the colonies were close to open rebellion against Great Britain. Parliament had repeatedly tried to tax America, both internally and externally, and had taken away other rights like trial by jury and public meetings. Many colonists saw all of these laws and regulations placed upon them as stemming from the Declaratory Act, and the unfounded power it gave

¹⁰ Ibid.

¹¹ Ibid.

¹² *Boston Chronicle*, 25 January – 1 February, 1768.

Parliament. While most arguments both for and against it were made in conjunction with debate over other Acts, there is one letter from mid-1774 that specifically attacks the Declaratory Act. The *Pennsylvania Gazette* published the letter by “A Loyal American” at a time when the colonies were in an uproar. The Coercive Acts had yoked Boston into a state of military rule, and disputes between America and Great Britain were growing to a fevered pitch. This was a serious time, one in which colonists had to understand what their relationship with Parliament, and Great Britain, had become.

The Loyal American first attacked Parliament’s power to tax and control the right of trial by jury. With tempered fury he wrote that Parliament saw “it was judged fittest...that, as if the British Americans had but ONE NECK, a SINGLE Stroke might dispatch Millions—by subjecting us at once to the Decrees of Parliament, IN ALL CASES WHATSOEVER.”¹³ The author was saying that Parliament had no right to bind the colonies with a stroke of the pen, much less by the actual Act. There were too many English subjects in the colonies to make so sweeping a statement.

Next, the zealous writer explains that Parliament had passed a similar Declaratory Act for Ireland, stating that the legislature was supreme there. “Compare the Act,” he wrote, “and you will find the Act for America copied from that of Ireland; but in the last mentioned, the annihilating Words—‘IN ALL CASES WHATSOEVER’ are not to be found.”¹⁴ The Loyal American wondered why these words were added for America but not for Ireland. Colonists saw this as unfair treatment; and, more importantly, as a systematic plan to subjugate them and them alone. It is also interesting to see the word “annihilate” used to describe the last clause in the Act. That phrase, “in all cases whatsoever,” was a devastating blow to the colonists after their premature joy over the repeal of the Stamp Act. In many ways, the Act destroyed their idealistic view of their Mother Country.

The Loyal American summarized the general colonial view of the Declaratory Act when he wrote:

¹³ *Pennsylvania Gazette*, 8 January, 1774.

¹⁴ Ibid.

THE declaratory Act...was such a Violation of the Constitution, such an Assumption of new Powers, so subversive of Liberty, and so destructive of Property, that it deserves particular Observation, That it has hitherto passed unnoticed, is owing to the Gratitude and Joy with which America received the Repeal of the Stamp act.¹⁵

The opinionated writers of colonial newspapers expressed their fear that the powers Parliament assumed in the Declaratory Act were detrimental to the ancient Constitution. One of the strongest fears about the Act was that it declared Parliament supreme, while the realm of its supremacy had no foreseeable end. Legislating “in all cases whatsoever” is dictatorial when no limits exist. By April 1775, the colonists would fully understand the lengths to which Parliament would go to ensure its power and what the Declaratory Act had really meant. Violence had erupted in Concord and Lexington, and the document that many had overlooked a decade earlier began to make its presence felt in the fields of Massachusetts.

¹⁵ Ibid.