



On Taxation Without Representation (1765)

Patrick Henry and Soame Jenyns

In 1763, at the end of the French and Indian War, the British found themselves with an enlarged North American empire. In order to pay the costs of maintaining its vast lands, the British government imposed a series of taxes on its colonies. It also decided to strictly enforce the Navigation Acts. These laws, some of which dated to the 1600s, regulated what colonists could manufacture themselves, what they must import, and what they could export. The regulations were meant to enrich Britain at the expense of its colonists. In enforcing the laws, certain rights of British citizens, such as trial by jury, were ignored.

As Parliament passed the Sugar Act of 1764 and the Stamp Act of 1765, many colonists could no longer sit in silence. Soon cries of "no taxation without representation" went up. These colonists argued that since Parliament had passed the taxes and they had no representation in Parliament, the taxes could not be applied to them. Only their own colonial legislatures could tax them. Patrick Henry, Patriot and orator, expressed this objection to the Stamp Act in Document A, an excerpt from a debate about the Stamp Act that took place in the Virginia House of Burgesses. Document B is an excerpt by Soame Jenyns, a member of the British Parliament. He addressed the main point—whether British citizens could be taxed without representation.

A. Patrick Henry in the Virginia House of Burgesses, 1765

... [Resolved] That by two royal charters granted by King James the first the Colonists aforesaid are declared intituled [entitled] to all the Priviledges [privileges], Liberties & Immunities of Denizens [naturalized citizens] and natural-born Subjects to all Intents and Purposes as if they had been abiding and born within the Realm of England.

Resolved That the Taxation of the People by themselves or by Persons chosen by themselves to represent them who can only know what Taxes the People are able to bear and the easiest Mode of raising them and are equally affected by such Taxes themselves is the distinguishing Characteristick [characteristic] of British Freedom and without which the ancient Constitution cannot subsist [survive].

Resolved That his Majestie's [Majesty's] liege [loyal] People of this most ancient Colony have uninterruptedly [without interruptions] enjoyed the Right of being thus governed by their own assembly in the article of their Taxes and internal Police, and that the same hath never been forfeited [given up] ... but hath been constantly recognized by the Kings & People of Great Britain.

Resolved Therefore that the General Assembly of this Colony has the only and sole exclusive Right & Power to lay Taxes & Impositions upon the Inhabitants of this Colony and that every Attempt to vest such Power in any Person or Persons whatsoever other than the General Assembly Aforesaid has a manifest Tendency to destroy British as well as American Freedom.

B. Soame Jenyns Refutes "No Taxation Without Representation," 1765

... [T]hat no Englishman is or can be taxed but by his own consent as an individual: this is so far from being true, that it is the very reverse of truth, for no man that I know of is taxed by his own consent; and an Englishman, I believe, is as little likely to be so taxed, as any man in the world. ...

[T]hat no Englishman is, or can be taxed, without the consent of the majority of those, who are elected by himself, and others of his fellow-subjects, to represent them. This is certainly as false ...; for every Englishman is taxed, and not one in twenty represented: copy-holders [a type of land renters], leaseholders [another type of renters], and all men possessed of personal property only, *chuse* [choose] no representatives: Manchester, Birmingham, and many more of our richest and most flourishing trading towns send no members to parliament, consequently cannot consent by their representatives, because they *chuse* none to represent them; yet are they not Englishmen? or are they not taxed?

I am well aware, that I shall hear [John] Locke ... and many other great names quoted, to prove that every Englishman, whether he has a right vote for a representative or not, is still represented in the British parliament; in which opinion they all agree: on what principle of common sense this opinion is founded I comprehend not, but on the authority of such respectable names I shall acknowledge its truth; but then I will ask one question, and on that I will rest the whole merits of the cause: Why does not this imaginary representation extend to America as well as over the whole island of Great Britain? If it can travel three hundred miles, why not three thousand? if it can jump over rivers and mountains, why cannot it sail over the ocean? If the towns of Manchester and Birmingham sending no representatives to parliament, are notwithstanding there represented, why are not the cities of Albany and Boston equally represented in the assembly? Are they not alike British subjects? are they not Englishmen? or are they only Englishmen when they solicit [ask] for protection, but not Englishmen when taxes are required to enable this country to protect them? ...

Taxation without Representation
analysis questions

As you read, answer the following.

Intro:

1. In addition to paying back the debt from the French & Indian War, what was another reason the Brits imposed new taxes on the colonists & enforced the Navigation Acts?
2. What does "no taxation without representation" mean?
3. What government body was Patrick Henry a member of? Soame Jenyns?

Document A:

4. In the 1st *resolved*, what evidence does Patrick Henry cite to back up his claim that the colonists were entitled to the same "privileges, liberties & immunities" as natural-born Englishmen?
5. In the 2nd *resolved*, what did Henry say about only representatives chosen by the colonists had the right to decide how the colonists should be taxed?
6. In the 3rd *resolved*, What evidence or support does Henry give for the colonists to tax themselves?
7. What evidence, if any, did Henry give in his resolutions that British citizens living in Great Britain could not be taxed w/out representation?

Document B:

8. What does Soames say about taxation with consent in the first paragraph?
9. What evidence does Soames provide to show that "taxation with representation" doesn't exist in Great Britain?
10. "Every Englishman, whether he has a [right to vote] or not, is still represented in the British parliament..." – what does Soames say about this idea applying to the American colonies.

Analysis:

11. You pay taxes (sales tax) & don't vote. Do you think the colonists had a legitimate argument and/or cause for revolution? Explain your answer. If not, what do you think was the cause of the American Revolution?

Review:

12. What is a Patriot?
13. What did the Townshend Acts tax?
14. What did the Intolerable Acts do?
15. How was Paul Revere's engraving of the Boston Massacre propaganda?
16. Who was King in Great Britain at the time of the revolution?
17. What years was the French & Indian War?
18. What did the Proclamation of 1763 do?
19. Who started the Sons of Liberty?
20. What year was the Declaration of Independence?