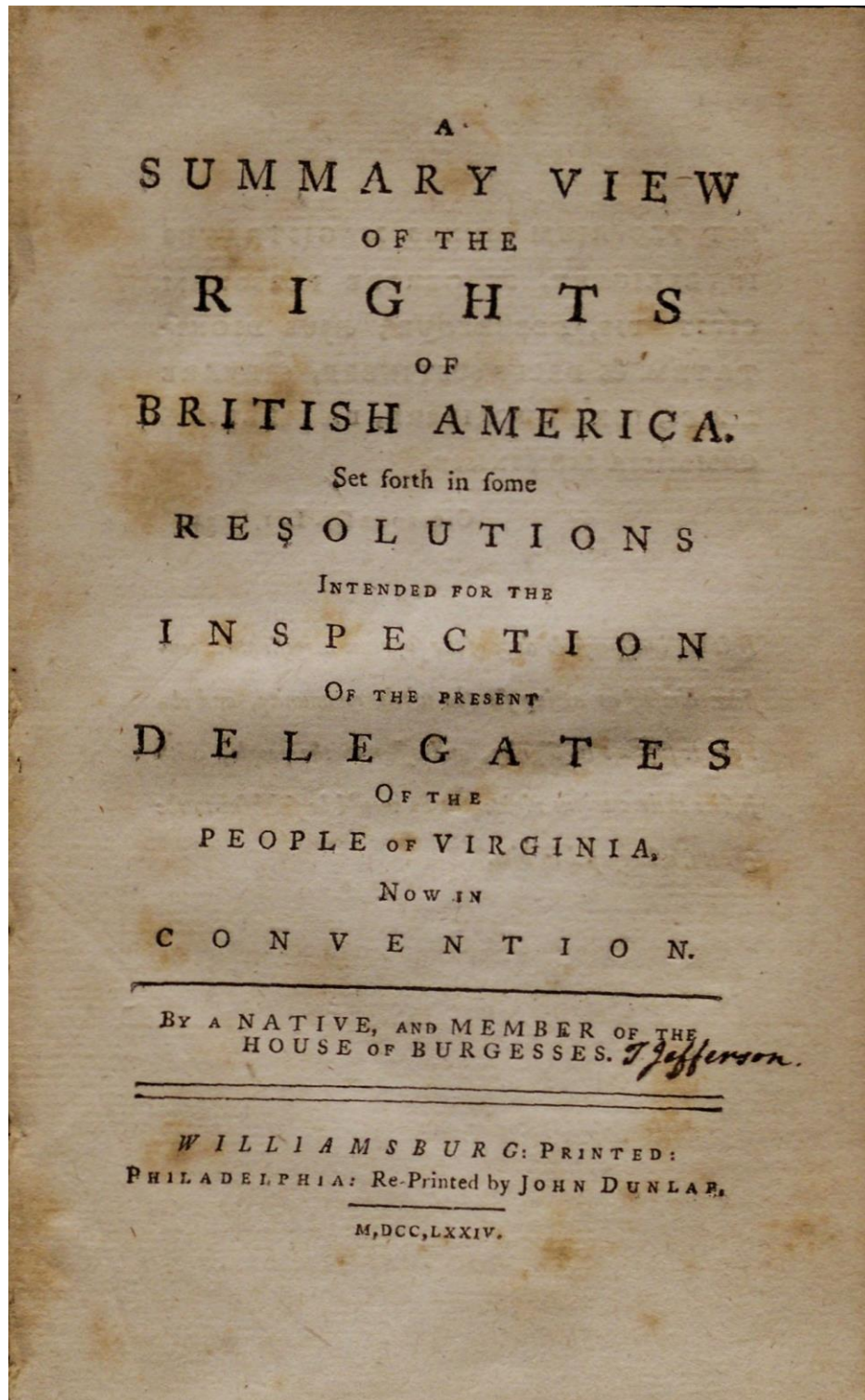


A summary view of the rights of British America, 1774

Image



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EST PROPRIUM MUNUS MAGISTRATUS
INTELLIGERE, SE GERERE PERSONAM
CIVITATIS, DEBEREQVE; EJUS DIGNI-
TATEM & DECUS SUSTINERE, SERVARE
LEGES, JURA DISCRIBERE, EA FIDEI SUÆ
COMMISSA MEMINISSE.

CICERO DE OF. L. I, C. 34.

It is the indispensable duty of the supreme magistrate to consider himself as acting for the whole community, and obliged to support its dignity, and assign to the people, with justice their various rights, as he would be faithful to the great trust reposed in him.

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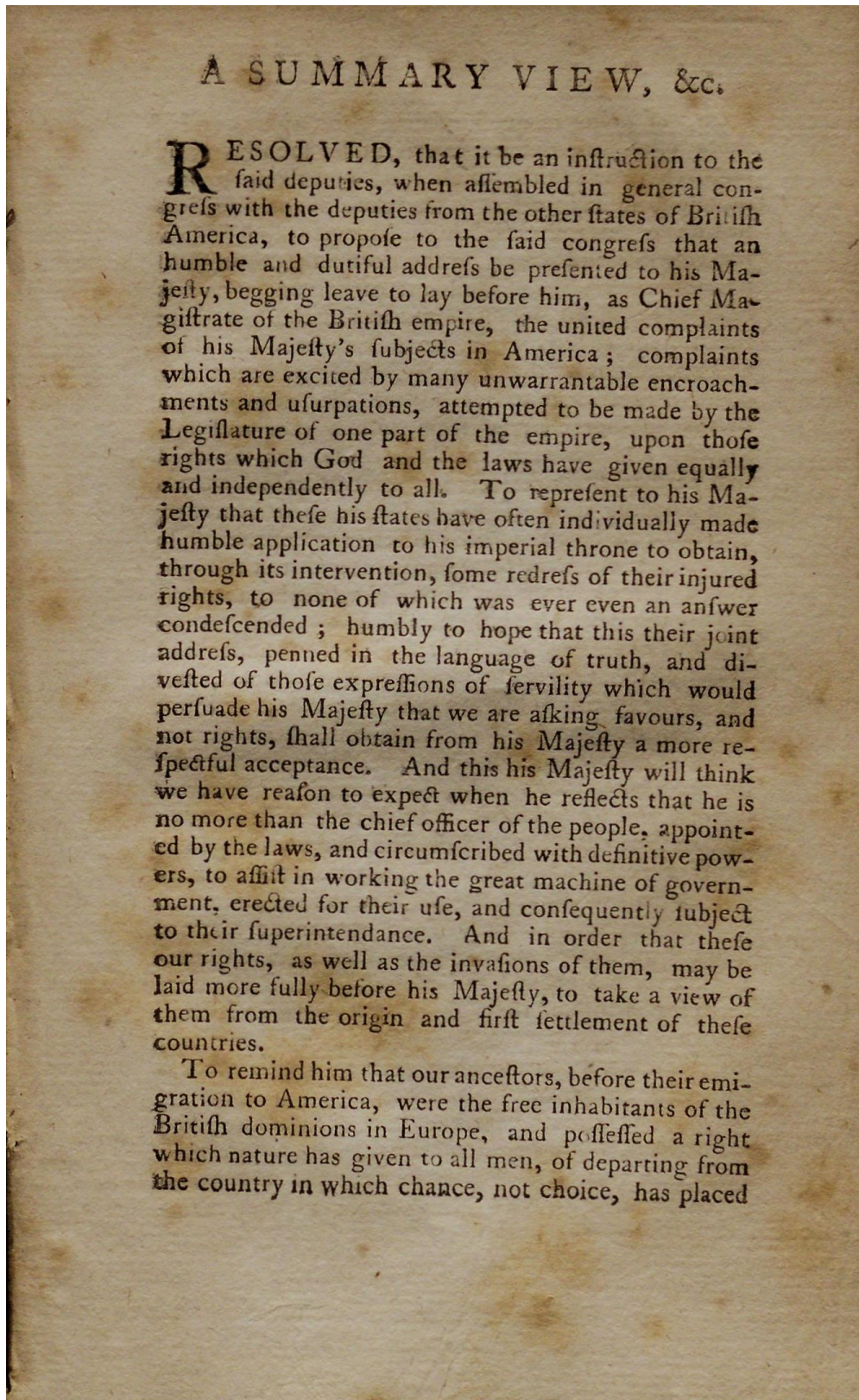
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THE PREFACE OF THE EDITORS.

THE following piece was intended to convey to the late meeting of DELEGATES the sentiments of one of their body, whose personal attendance was prevented by an accidental illness. In it the sources of our present unhappy differences are traced with such faithful accuracy, and the opinions entertained by every free American expressed with such a manly firmness, that it must be pleasing to the present, and may be useful to future ages. It will evince to the world the moderation of our late convention, who have only touched with tenderness many of the claims insisted on in this pamphlet, though every heart acknowledged their justice. Without the knowledge of the author, we have ventured to communicate his sentiments to the public, who have certainly a right to know what the best and wisest of their members have thought on a subject in which they are so deeply interested.

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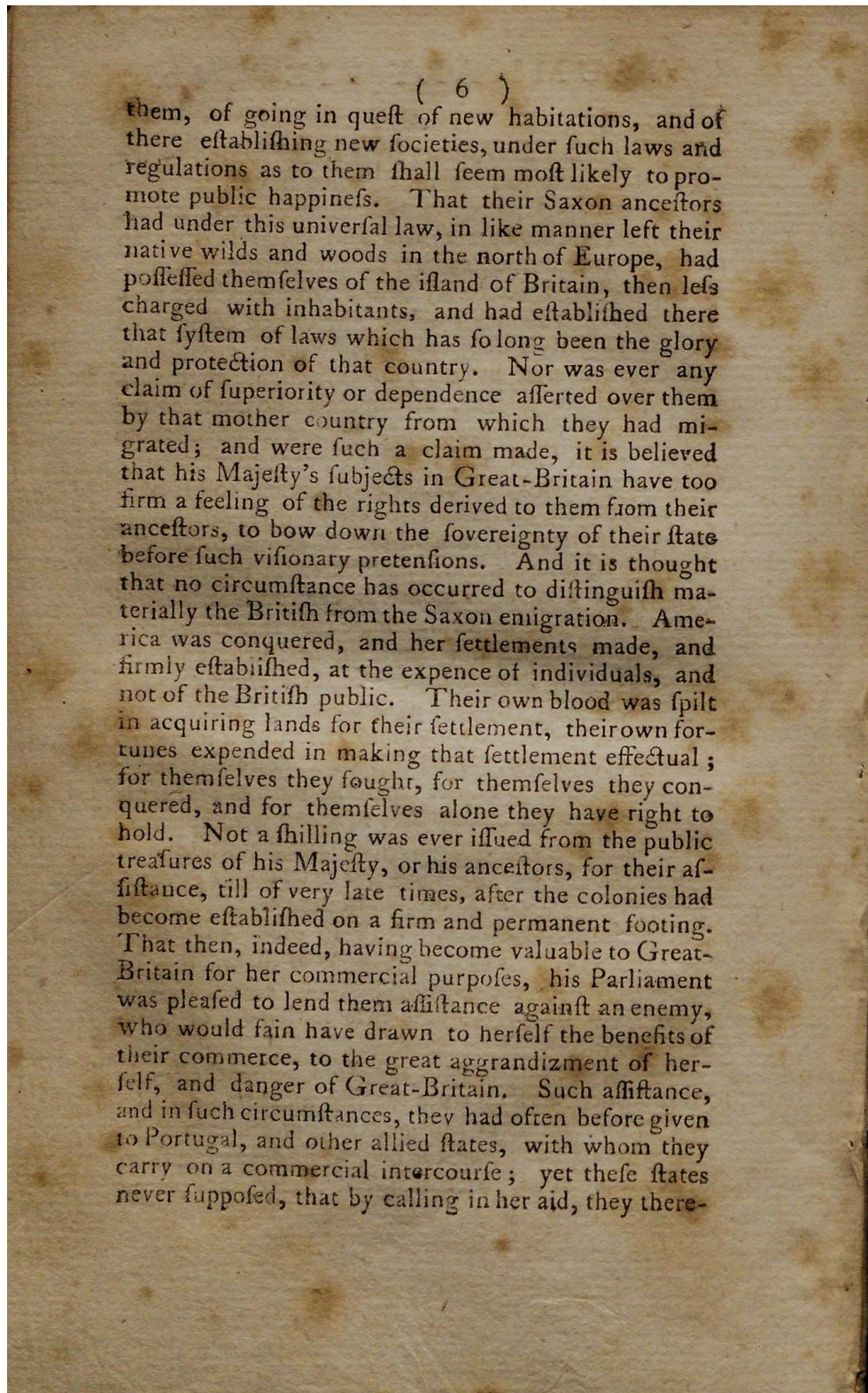
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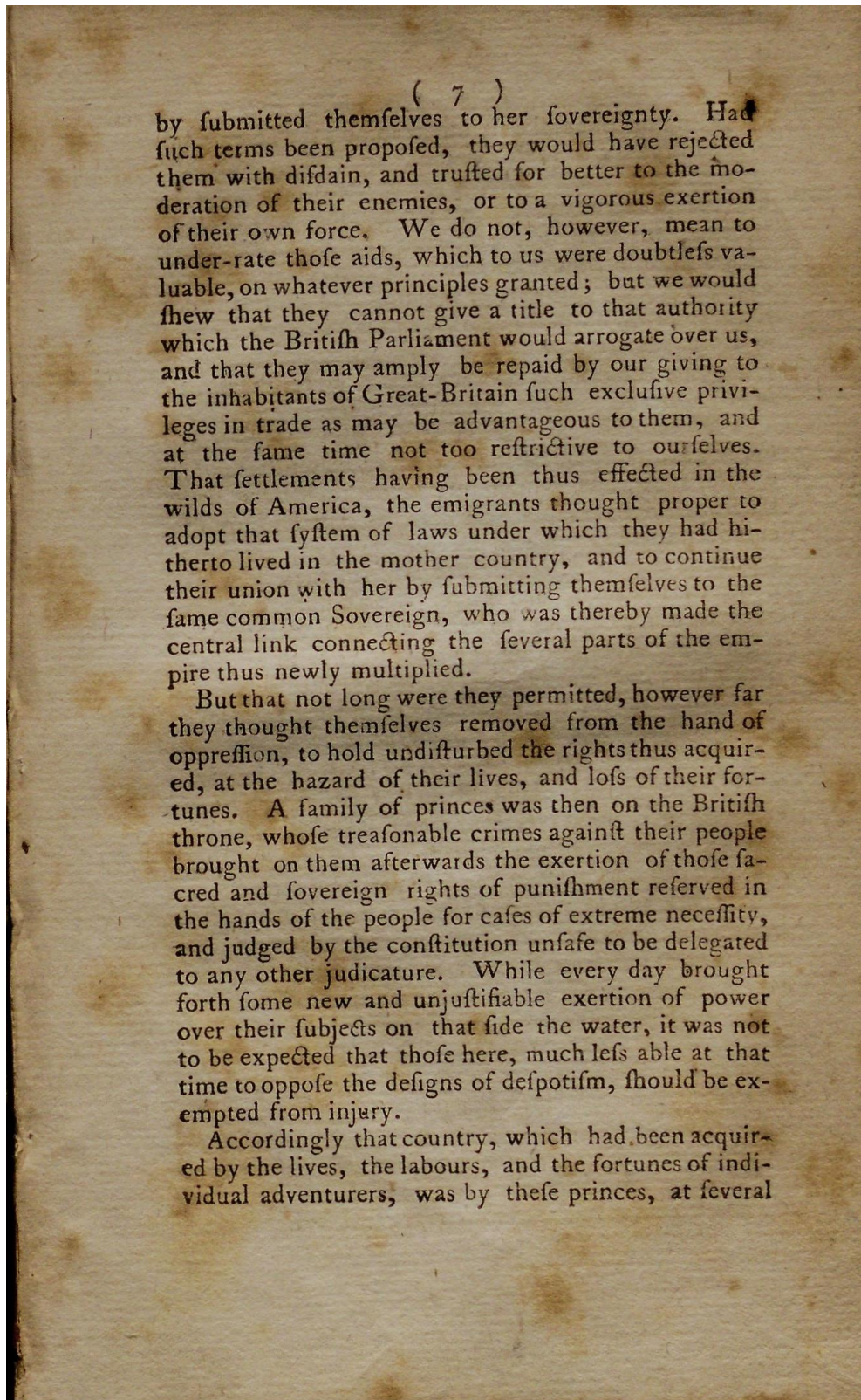
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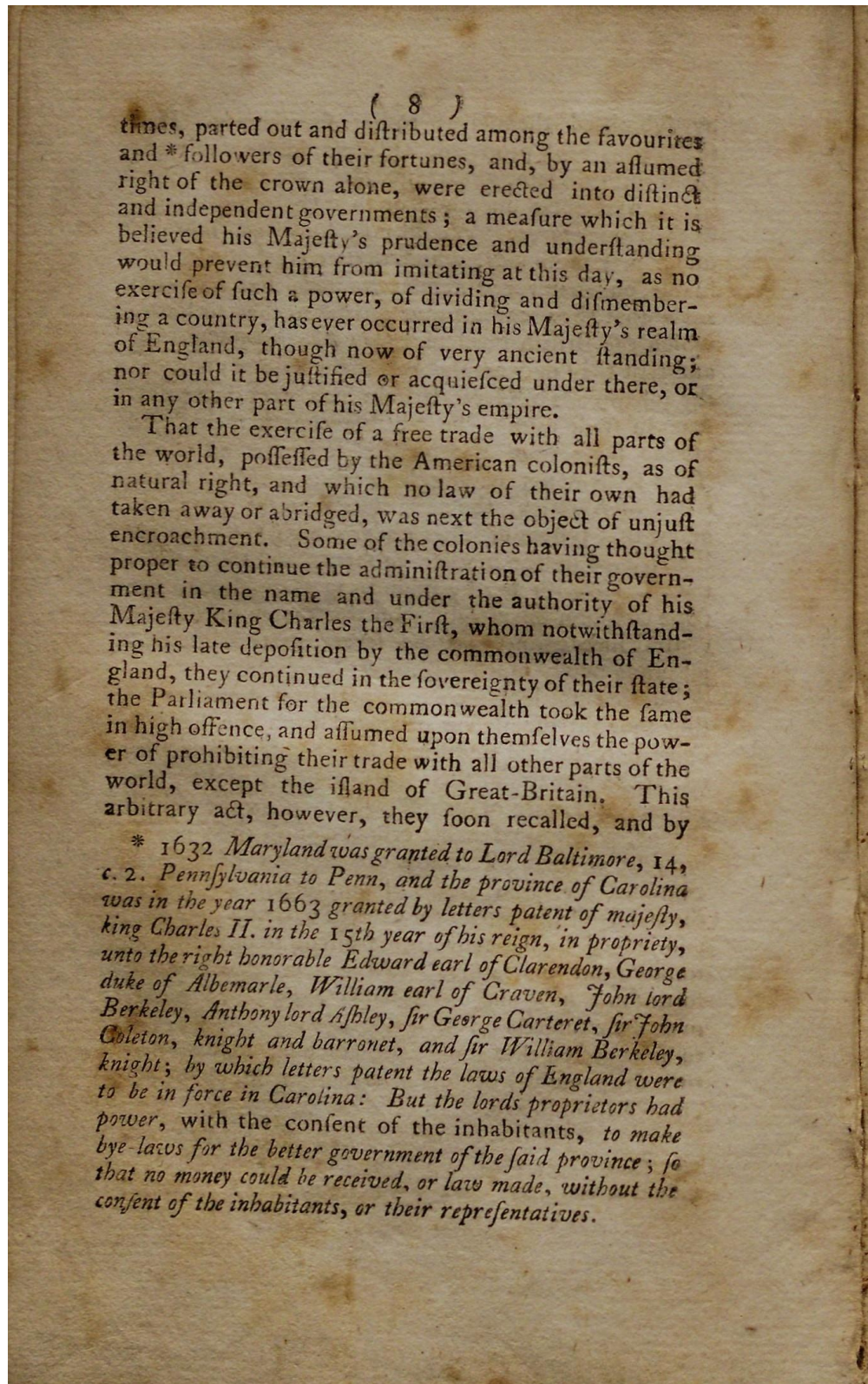
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A summary view of the rights of British America, 1774

(9)

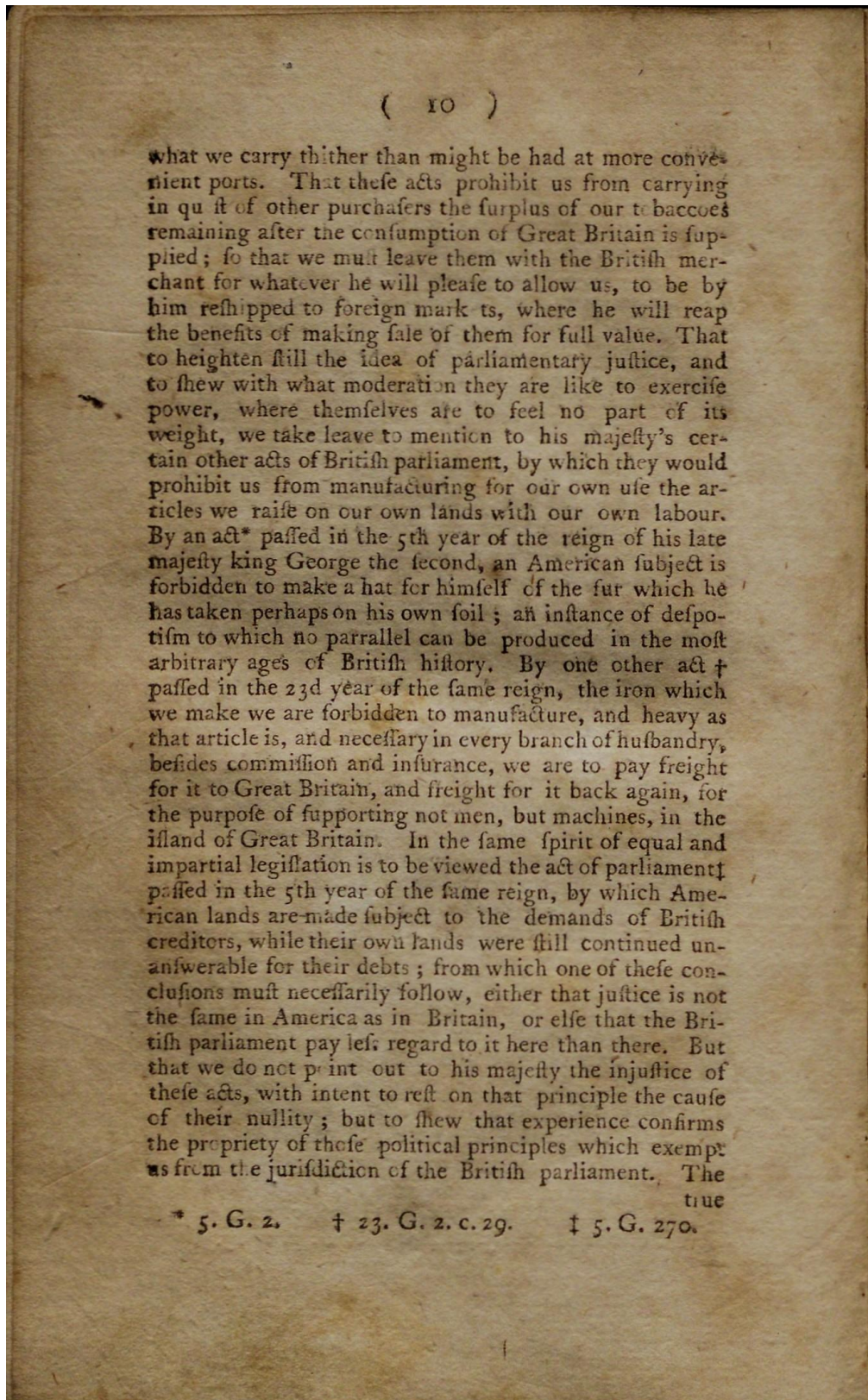
solemn treaty, entered into on the 12th day of March, 1651, between the said commonwealth by their commissioners, and the colony of Virginia by their house of burgeses, it was expressly stipulated, by the 8th article of the said treaty, that they should have "free trade as the people of England do enjoy to all places and with all nations, according to the laws of that commonwealth." But that, upon the restoration of his majesty king Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts * of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as shew what hopes they might form from the justice of a British parliament, were its uncontrouled power admitted over these states. History has informed us that bodies of men, as well as individuals, are susceptible of the spirit of tyranny. A view of these acts of parliament for regulation, as it has been affectedly called, of the American trade, if all other evidence were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they impose on our article of export and import, they prohibit our going to any markets northward of Cape Finisterre, in the kingdom of Spain, for the sale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us, and that for no other than the arbitrary purposes of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who in confidence that their exclusive trade with America will be continued, while the principles and power of the British parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort; have raised their commodities called for in America, to the double and treble of what they sold for before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere, and at the same time give us much less for
B what

* 12. c. 2. c. 18. 15. c. 2. c. 11. 25. c. 2. c. 7. 7. 8.
W. M. c. 22. 11. W. 3. 4. Anne. 6. G. 2. c. 13.

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A summary view of the rights of British America, 1774

(11)

true ground on which we declare these acts void is, that the British parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested, but they have also intermeddled with the regulation of the internal affairs of the colonies. The act of the 9th of Anne for establishing a post office in America seems to have had little connexion with British convenience, except that of accommodating his majesty's ministers and favourites with the sale of a lucrative and easy office.

That thus we have hastened through the reigns which preceded his majesty's, during which the violations of our right were less alarming, because repeated at more distant intervals than that rapid and bold succession of injuries which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder has involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions begun at a distinguished period, and pursued, unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to slavery.

That the act *, passed in the 4th year of his majesty's reign, entitled " An act for granting certain duties in the British colonies and plantations in America, &c."

One other act †, passed in the 5th year of his reign, entitled " An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c."

One other act ‡, passed in the 6th year of his reign, entitled " An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain;" and one other act §, passed in the 7th year of his reign, entitled " An act

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for

* 4. G. 3. c. 15. † 5. G. 3. c. 12.

‡ 6. G. 3. c. 12 § 7. G. 3.

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A summary view of the rights of British America, 1774

(12)

for granting duties on paper, tea, &c." form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the matters they contained.

But that one other act*, passed in the same 7th year of the reign, having been a peculiar attempt, must ever require peculiar mention; it is entitled "An act for suspending the legislature of New York." One free and independant legislature hereby takes upon itself to suspend the powers of another, free and independant as itself; thus exhibiting a phenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the common feelings of human nature, must be surrendered up before his majesty's subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves not of one but of 160,000 tyrants distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That by "an act † to discontinue in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of
Boston,

* 7. G. 3. c. 59. † 14. G. 3.

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A summary view of the rights of British America, 1774

(13)

Boston, in the province of Massachusetts Bay, in North America," which was passed at the last session of British parliament; a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while suppose the question of right suspended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inautheritative. The East India Company, who till that time had never sent a pound of tea to America on their own account, step forth on that occasion the assertors of parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New England alone the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance, been obstructed or diverted from their regular course in favour of popular offenders. They should therefore not have been distrusted on this occasion. But that ill fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependants, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of the British knighthood, without calling for the party accused, without asking a proof, without attempting a distinction
between

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between the guilty and the innocent, the whole of that ancient and wealthy town is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested in that place the wealth their honest endeavours had merited, found themselves and their families thrown at once on the world for subsistence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of, many of them were in Great Britain and in other parts beyond sea, yet all were involved in one indiscriminate ruin, by a new executive power unheard of till then, that of a British parliament. A property, of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! and when is this tempest to be arrested in its course? Two wharfs are to be opened again when His Majesty shall think proper. The residue, which lined the extensive shores of the bay of Boston, are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose than that of setting a precedent for investing his majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense to pretend that this exception was made in order to restore its commerce to that great town. The trade which cannot be received at two wharfs alone must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharfs. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston.

By the act * for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, a murder committed there is, if the governor pleases, to be tried in a court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is,
in

* 14. G. 3.

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A summary view of the rights of British America, 1774

(15)

In other words, taxing them to the amount of their recogni-
zance, and that amount may be whatever a governor plea-
ses; for who does his majesty think can be prevailed on
to cross the Atlantic for the sole purpose of bearing evi-
dence to a fact? His expences are to be borne, indeed,
as they shall be estimated by a governor; but who are to
feed the wife and children whom he leaves behind, and
who have had no other subsistence but his daily labour?
Those epidemical disorders too, so terrible in a foreign
climate, is the cure of them to be estimated among the
articles of expence, and their danger to be warded off by
the almighty power of parliament? And the wretched
criminal, if he happen to have offended on the Ameri-
can side, stripped of his privilege of trial by peers of his
vicinage, removed from the place where alone full evi-
dence could be obtained, without money, without coun-
sel, without friends, without exculpatory proof, is tried
before judges predetermined to condemn. The cow-
ards who would suffer a countryman to be torn from the
bowels of their society, in order to be thus offered a sa-
crifice to parliamentary tyranny, would merit that ever-
lasting infamy now fixed on the authors of the act! A
clause * for a similar purpose had been introduced into
an act passed in the twelfth year of his majesty's reign,
entitled "An act for the better securing and preserving
his majesty's dockyards, magazines, ships, ammunition
and stores," against which, as meriting the same cen-
sures, the several colonies have already protested.

That these are acts of power, assumed by a body of
men, foreign to our constitutions, and unacknowledged
by our laws, against which we do, on behalf of the in-
habitants of British America, enter this our solemn and
determined protest; and we do earnestly entreat his ma-
jesty, as yet the only mediatory power between the se-
veral states of the British empire, to recommend to his
parliament of Great Britain the total revocation of these
acts, which, however nugatory they be, may yet prove
the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his
majesty, as holding the executive powers of the laws of
these

* 12. G. 3. c. 24.

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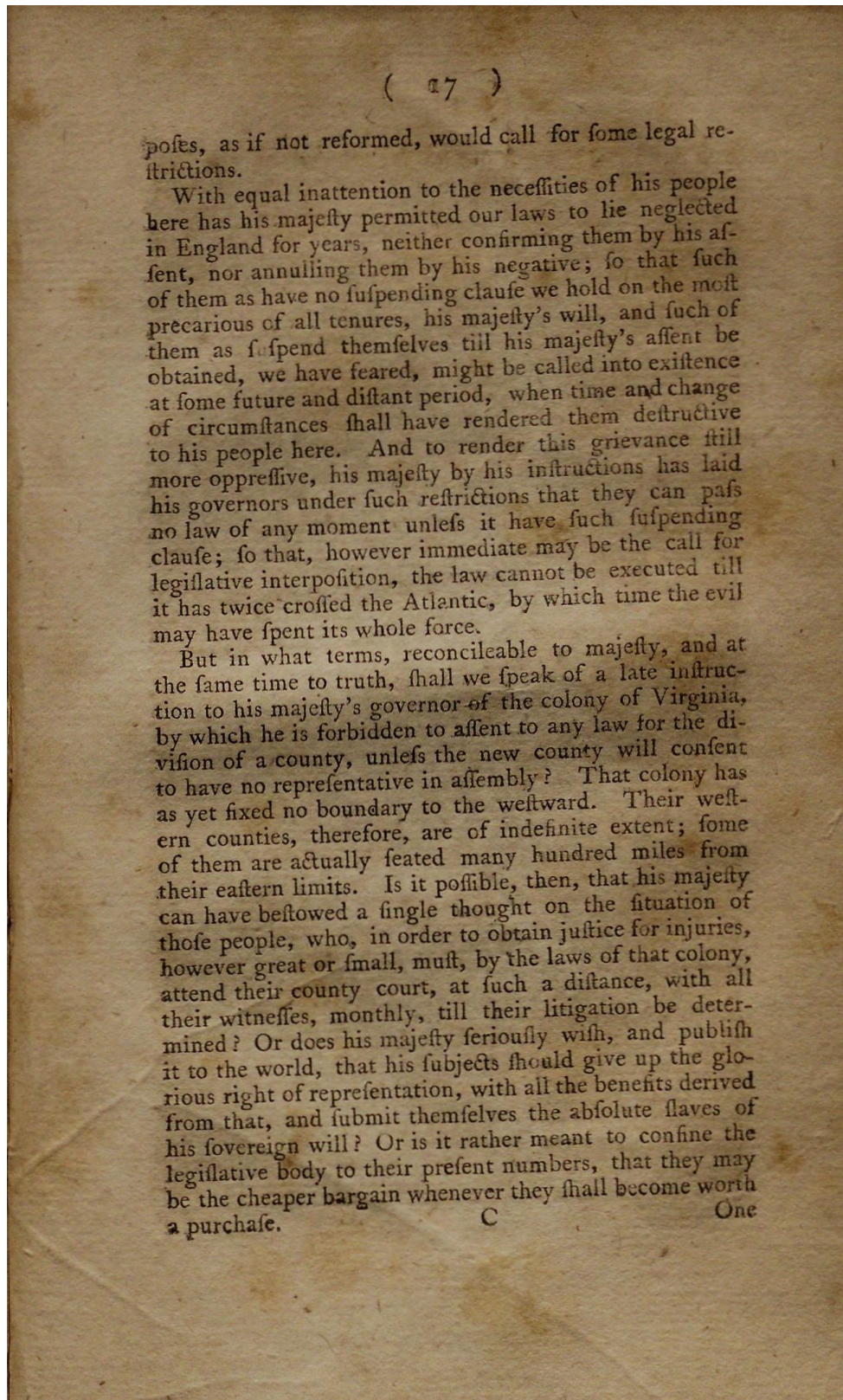
A summary view of the rights of British America, 1774

(16)

these states, and mark out his deviations from the line of duty: By the constitution of Great Britain, as well as of the several American states, his majesty possesses the power of refusing to pass into a law any bill which has already passed the other two branches of legislature. His majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiassed by interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations; the addition of new states to the British empire has produced an addition of new, and sometimes opposite interests. It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his Majesty practise on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: Thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his majesty for other purposes,

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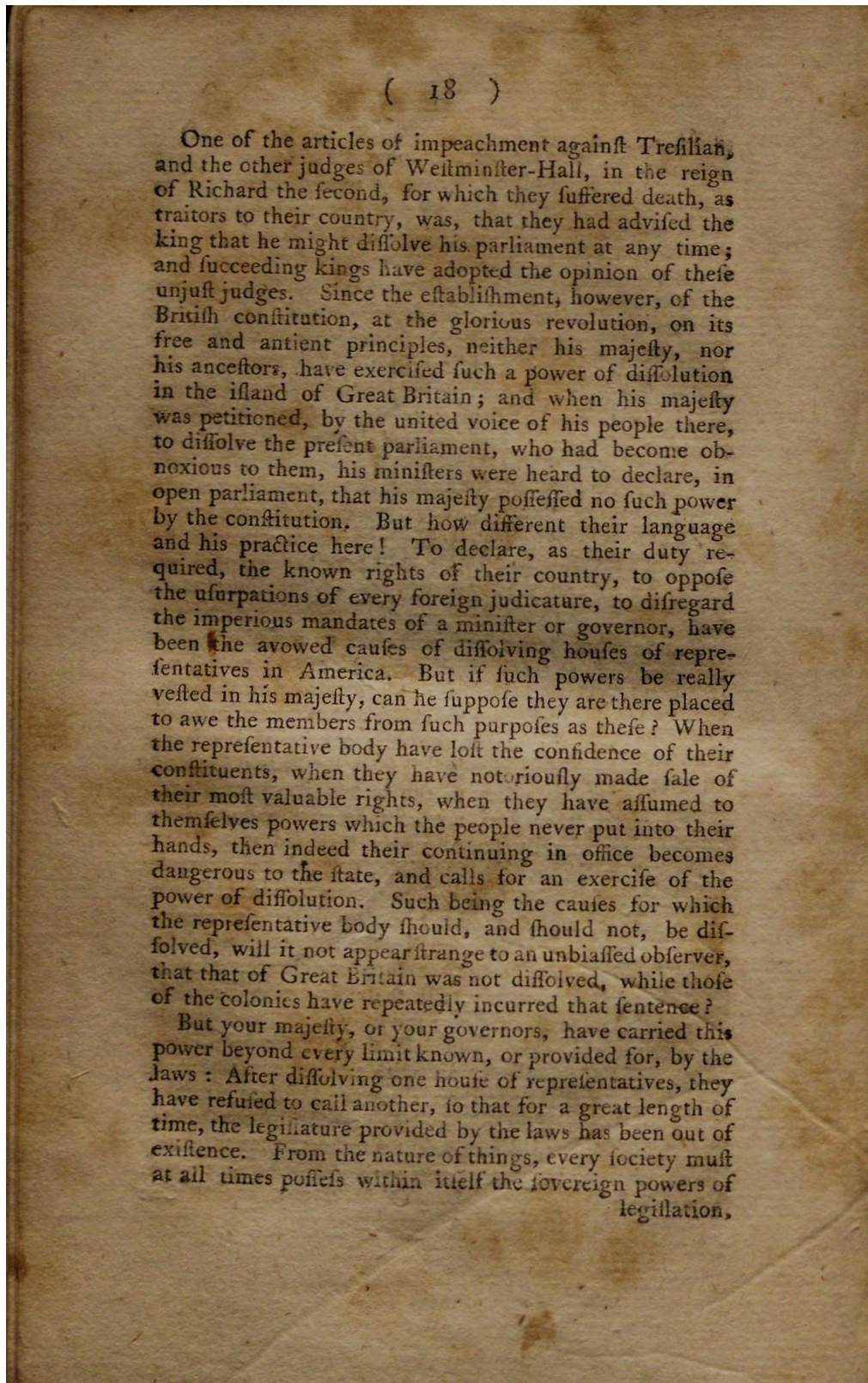
A summary view of the rights of British America, 1774



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A summary view of the rights of British America, 1774

(19)

legislation. The feelings of human nature revolt against the supposition of a state so situated as that it may not in any emergency provide against dangers which perhaps threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess and may exercise those powers; but when they are dissolved by the lopping off one or more of their branches, the power reverts to the people, who may exercise it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete.

That we shall at this time also take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the feudal tenures into the kingdom of England, though ancient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement feudal holdings were certainly altogether unknown; and very few, if any, had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disencumbered with any superior, answering nearly to the nature of those possessions which the feudalists term allodial. William, the Norman, first introduced that system generally. The lands which had belonged to those who fell in the battle of Hastings, and in the subsequent insurrections of his reign, formed a considerable proportion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions or threats, were induced to surrender them for that purpose. But still much was left in the hands of his Saxon subjects; held of no superior, and not subject to feudal conditions. These, therefore, by express laws, were made liable to the same military duties as if they had been feuds; and the Norman lawyers soon found means to saddle them also with all the other feudal burthens. But still they had not been surrendered to the king, they were not derived from his grant, and there-

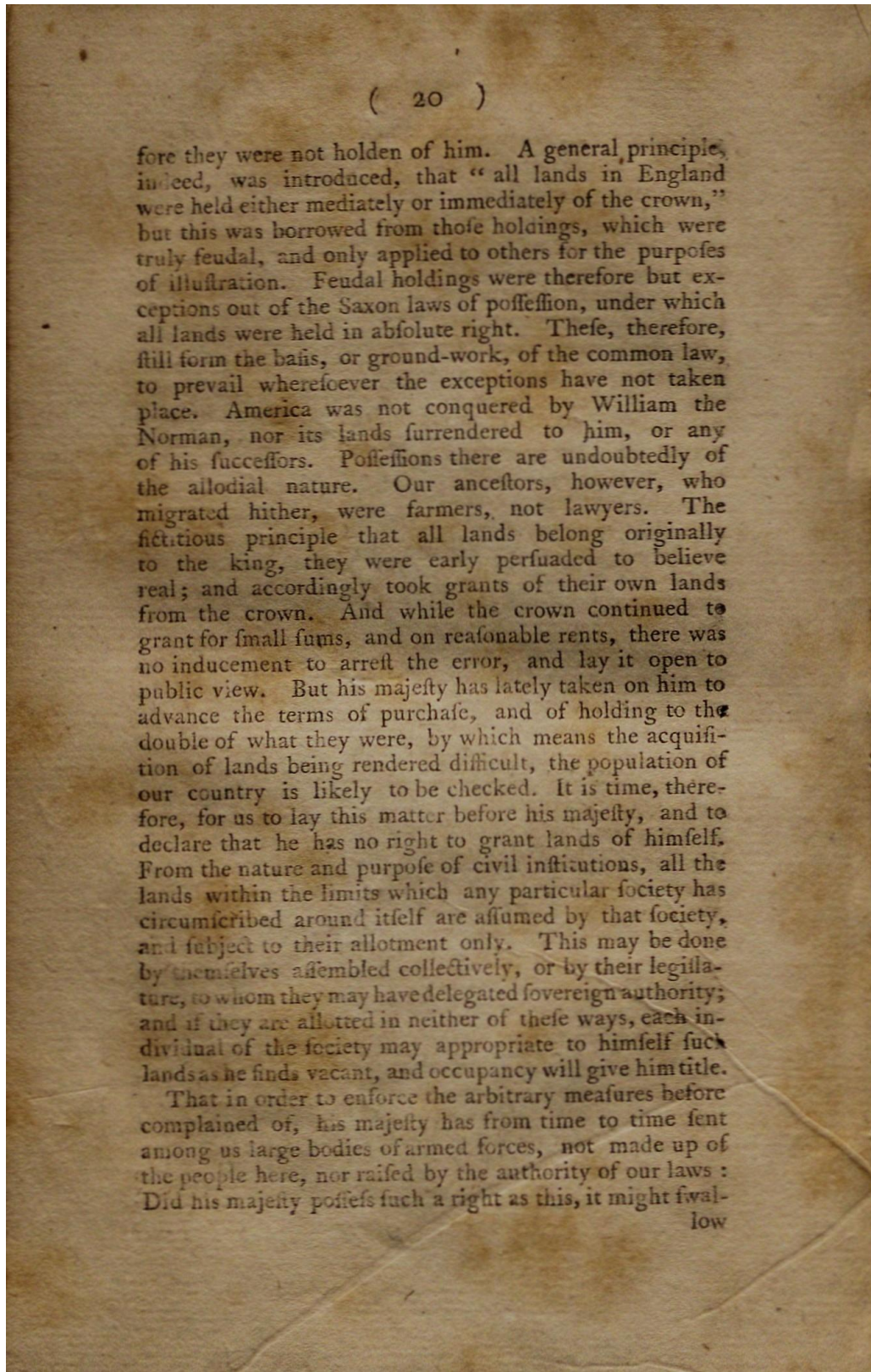
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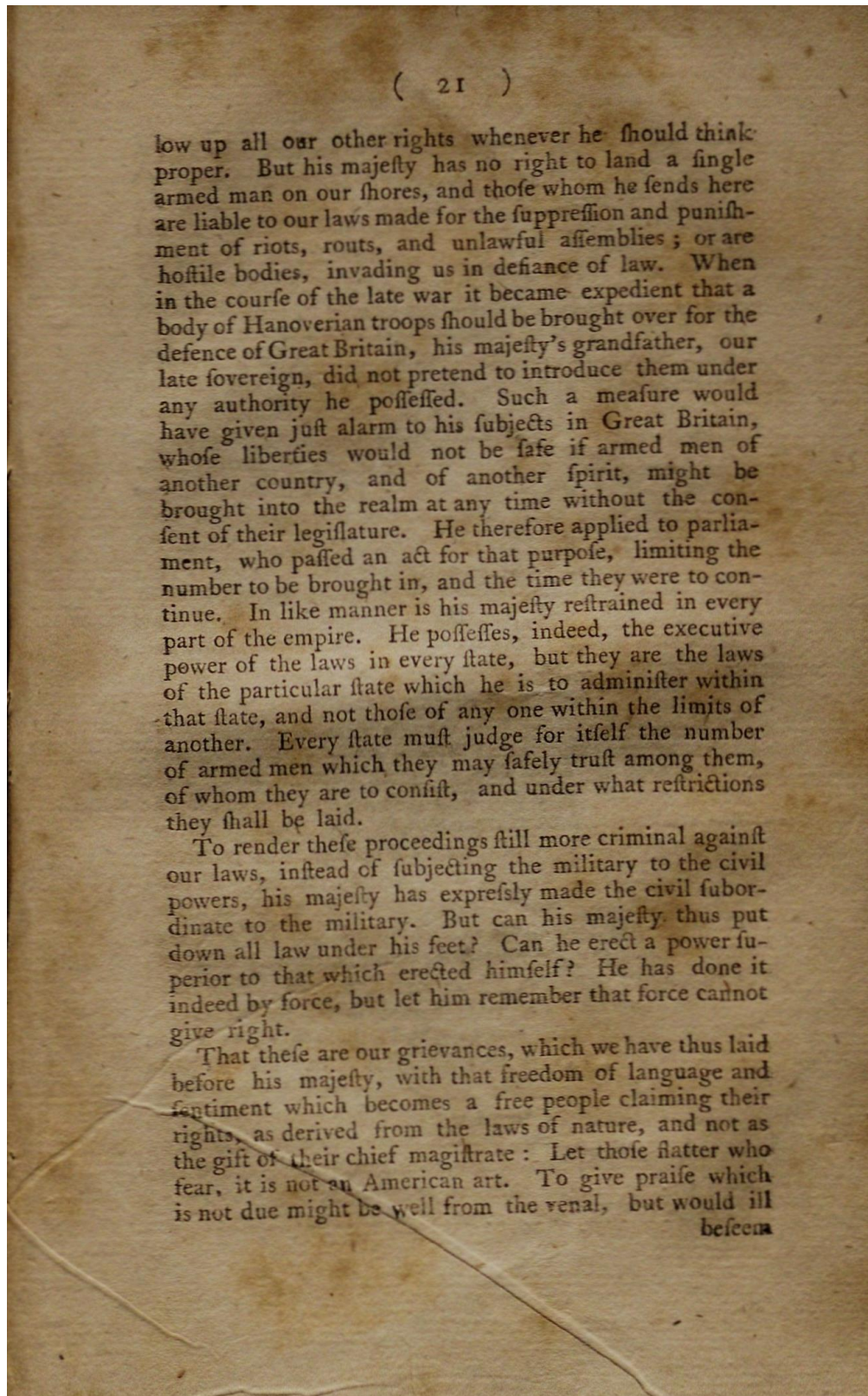
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(22)

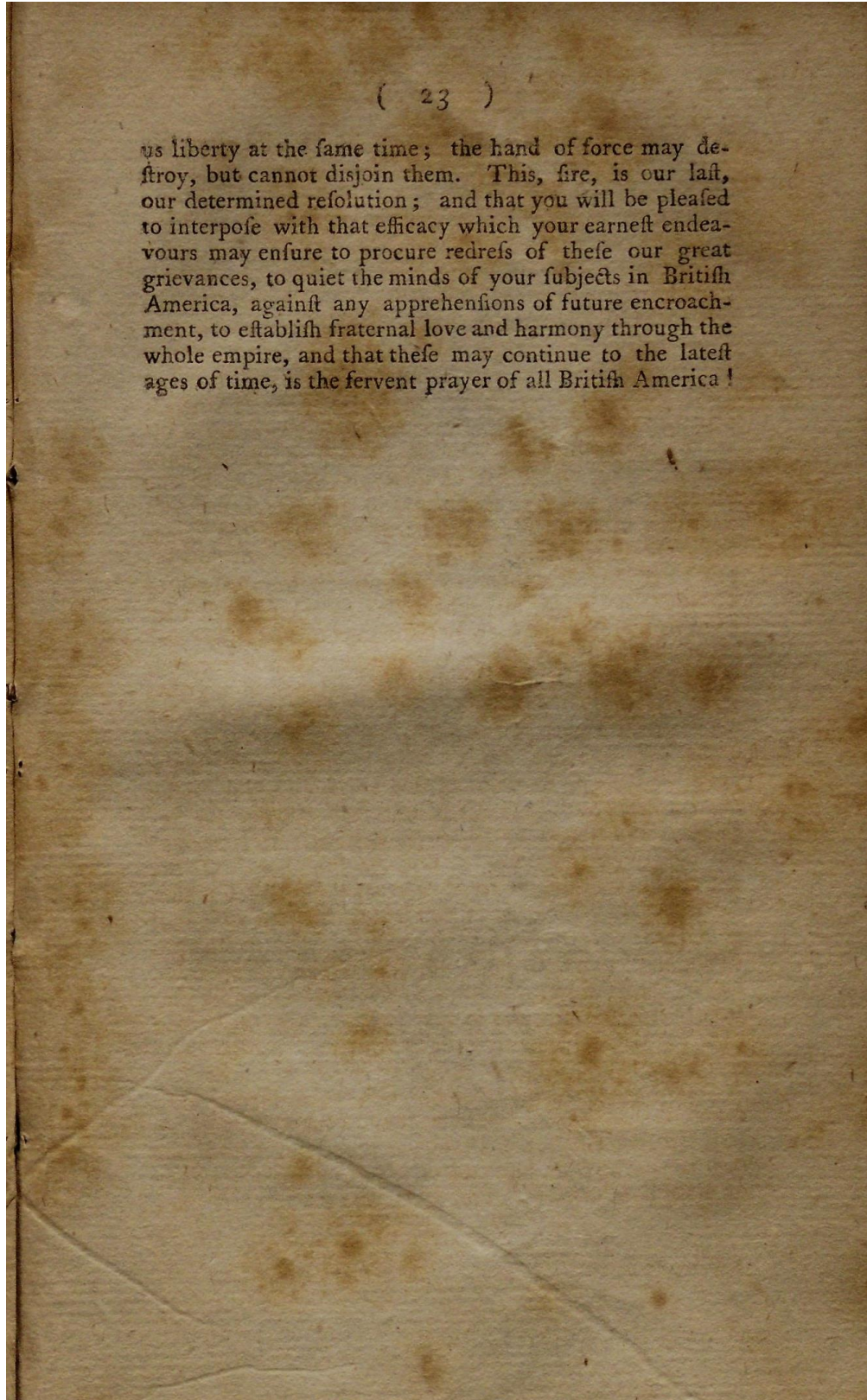
beseech those who are asserting the rights of human nature. They know, and will therefore say, that kings are the servants, not the proprietors of the people. Open your breast, sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue both to Great Britain and America the reciprocal advantages of their connection. It is neither our wish nor our interest to separate from her. We are willing, on our part, to sacrifice every thing which reason can ask to the restoration of that tranquillity for which all must wish. On their part, let them be ready to establish union and a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, or to supply those wants which they cannot supply.— Still less let it be proposed that our properties within our own territories shall be taxed or regulated by any power on earth but our own. The God who gave us life gave

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