

The Debate Over Representation and Sovereignty

Report on the Debates in Parliament (1765)—Jared Ingersoll

Connecticut lawyer Jared Ingersoll (1722-1781) served as his colony's agent, or lobbyist, in Britain. In this 1765 letter to the governor of Connecticut, Ingersoll summarizes the debate then under way in Parliament over the Stamp Act. When the act passed, he returned home to become the stamp distributor in Connecticut. A mob forced him to resign that post. Ingersoll later served as a vice-admiralty judge in Philadelphia and, during the Revolution, remained loyal to Britain.

The principal Attention has been to the Stamp bill that has been preparing to Lay before Parliament for taxing America. The Point of the Authority of Parliament to impose such Tax I found on my Arrival here was so fully and Universally yielded [accepted], that there was not the least hopes of making any impressions that way....

I beg leave to give you a Summary of the Arguments which are made use of in favour of such Authority. The House of Commons, say they, is a branch of the supreme legislature of the Nation, and which in its Nature is supposed to represent, or rather to stand in the place of, the Commons, that is, of the great body of the people....

That this house of Commons, therefore, is now... a part of the Supreme unlimited power of the Nation, as in every State there must be some unlimited Power and Authority....

They say a Power to tax is a necessary part of every Supreme Legislative Authority, and that if they have not that Power over America, they have none, and then America is at once a Kingdom of itself.

On the other hand those who oppose the bill say, it is true the Parliament have a supreme unlimited Authority over every Part and Branch of the Kings dominions and as well over Ireland as any other place.

Yet [they say] we believe a British parliament will never think it prudent to tax Ireland [or America]. 'Tis true they say, that the Commons of England and of the British

Empire are all represented in and by the house of Commons, but this representation is confessedly on all hands by Construction and Virtual [because most British subjects]... have no hand in choosing the representatives....

[They say further] that the Effects of this implied Representation here and in America must be infinitely different in the Article of Taxation... By any Mistake an act of Parliament is made that prove injurious and hard the Member of Parliament here [in Britain] sees with his own Eyes and is moreover very accessible to the people.... [Also,] the taxes are laid equally by one Rule and fall as well on the Member himself as on the people. But as to America, from the great distance in point of Situation [they are not represented in the same way]....

[Finally, the opponents of the Act say] we already by the Regulations upon their trade draw from the Americans all that they can spare... This Step [of taxation] should not take place until or unless the Americans are allowed to send Members to Parliament.

Thus I have given you, I think, the Substance of the Arguments on both sides of that great and important question of the right and also of the Expediency of taxing America by Authority of Parliament... [But] upon a Division of the house upon the Question, there was about 250 to about 50 in favour of the Bill.

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Plan of Union (1775)—Joseph Galloway

Speaker of the Pennsylvania assembly Joseph Galloway was a delegate to the First Continental Congress, where he proposed a plan that addressed the issue of representation. The colonies would remain British but operate under a continental government with the power to veto parliamentary laws that affected America. Radical Patriots in the Congress, who favored independence, prevented a vote on Galloway's plan and suppressed mention of it in the records. Galloway remained loyal to the crown, fought on the British side in the War for independence, and moved to England in 1778.

If we sincerely mean to accommodate the difference between the two countries, . . . we must take into consideration a number of facts which led the parliament to pass the acts complained of. . . . [You will recall] the dangerous situation of the Colonies from the intrigues of France, and the incursions of the Canadians and their Indian allies, at the commencement of the last war. . . . Great Britain sent over her fleets and armies for their protection. . . .

In this state of the Colonies, it was not unreasonable to expect that Parliament would have levied a tax on them proportionate to their wealth, . . . Parliament was naturally led to exercise the power which had been, by its predecessors, so often exercised over the Colonies, and to pass the Stamp Act. Against this act, the Colonies petitioned Parliament, and denied its authority. . . . [declaring] that the Colonies could not be represented in that body. This justly alarmed the British Senate. It was thought and called by the ablest men [in] Britain, a clear and explicit declaration of the American Independence, and compelled the Parliament to pass the Declaratory Act, in order to save its ancient and incontrovertible right of supremacy over all the parts of the empire. . . .

Having thus briefly stated the arguments in favour of parliamentary authority, . . . I am free to confess that the exercise of that authority is not perfectly constitutional in respect to the Colonies. We know that the whole landed interest of Britain is

represented in that body, while neither the land nor the people of America hold the least participation in the legislative authority of the State. . . . Representation, or a participation in the supreme councils of the State, is the great principle upon which the freedom of the British Government is established and secured.

I wish to see. . . the right to participate in the supreme councils of the State extended, in some form. . . to America. . . [and therefore] have prepared the draught of a plan for uniting American more intimately, in constitutional policy, with Great-Britain. . . . I am certain when dispassionately considered, it will be found to be the most perfect union in power and liberty with the Parent State, next to a representation in Parliament, and I trust it will be approved of by both countries.

The Plan

That the several [colonial] assemblies shall [form an American union and] choose members for the grand council. . . .

That the Grand Council. . . shall hold and exercise all like rights, liberties and privileges, as are held and exercised by and in the House of Commons of Great-Britain. . . .

That the President-General shall hold his office during the pleasure of the King, and his assent shall be requisite to all acts of the Grand Council, and it shall be his office and duty to cause them to be carried into execution. . . .

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That the President-General, by and with the advice and consent of the Grand-Council, hold and exercise all the legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the colonies....

That the said President-General and the Grand Council, be an inferior and distinct

branch of the British legislature, united and incorporated with it,...and that the assent of both [Parliament and the Grand Council] shall be requisite to the validity of all such general acts or statutes [that affect the colonies].

Questions for Analysis

1. According to Ingersoll, what were the main arguments of those in Parliament who opposed the Stamp Act? Did those opposing the Stamp Act agree with the act's supporters that Parliament had the right to tax the colonies?
2. How did Galloway's plan solve the problem of colonial representation in Parliament? How would the British ministers who advocated parliamentary supremacy have reacted to the plan?
3. The framers of the U.S. Constitution addressed the problem of dividing authority between state governments and the national government by allowing the states to retain legal authority over most matters and delegating limited powers to the national government. Could such a solution have been implemented in the British Empire? Why or why not?