

Declaratory Act (March 18, 1766)

The Stamp Act was passed by Parliament in 1765; effectively, it required the colonists to pay a tax, represented by a stamp. Included under the act were bonds, licenses, certificates, and other official documents as well as more mundane items such as plain parchment and playing cards. It imposed a tax on all papers and official documents in the American colonies, though not in England.

It was a direct tax imposed by the British government without the approval of the colonial legislatures and was payable in hard-to-obtain British sterling, rather than colonial currency.

Further, those accused of violating the Stamp Act could be prosecuted in Vice-Admiralty Courts, which had no juries and could be held anywhere in the British Empire. (Gilder-Lehrman Institute of American History)

The colonists had recently been hit with three major taxes: the Sugar Act (1764), which levied new duties on imports of textiles, wines, coffee and sugar; the Currency Act (1764), which caused a major decline in the value of the paper money used by colonists; and the Quartering Act (1765), which required colonists to provide food and lodging to British troops under certain circumstances.

With the passing of the Stamp Act, the colonists' grumbling finally became an articulated response to what they saw as the mother country's attempt to undermine their economic strength and independence.

The first legislative protest against the Stamp Act came from Virginia. On May 30, 1765, the House of Burgesses adopted four resolutions, submitted by Patrick Henry, declaring that.

The General Assembly of this colony, together with his Majesty or his substitutes, have, in their representative capacity, the only exclusive right and power to lay taxes and imposts upon the inhabitants of this colony;

and that every attempt to vest such power in any other person or persons whatever than the General Assembly aforesaid, is illegal, unconstitutional, and unjust, and have [has] a manifest tendency to destroy British as well as American liberty.

On the 8th of June, Massachusetts issued the call for the Stamp Act congress.

By November 1, the date on which the Stamp Act was to go into effect, the resolutions of assemblies and public meetings, and the intimidation and violence of the 'Sons of Liberty' and others, had made the execution of the act impossible, even if stamps could have been had.

A circular letter from Conway to the governors, dated October 24, urging them to do their utmost to maintain law and order, and authorizing them to call upon the military and naval commanders for assistance, if necessary, was unavailing.

At the opening of Parliament, December 17, papers relating to affairs in America were submitted.

Numerous petitions were also presented setting forth the losses which the Stamp Act had inflicted upon British trade.

A resolution declaratory of the right of Parliament to tax the colonies, submitted February 3, was adopted by large majorities.

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An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain.

Whereas several of the houses of representatives in his Majesty's colonies and plantations in America, have of late against law, claimed to themselves, or to the general assemblies of the same, the sole and exclusive right of imposing duties and taxes upon his majesty's subjects in the said colonies and plantations;

and have in pursuance of such claim, passed certain votes, resolutions, and orders derogatory to the legislative authority of parliament, and inconsistent with the dependency Of the said colonies and plantations upon the crown of Great Britain: may it therefore please your most excellent Majesty, that it may be declared;

and be it declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

That the said colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of Great Britain; and

that the King's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons of Great Britain, in parliament assembled, had bath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever,

II. And be it further declared and enacted by the authority aforesaid, That all resolutions, votes, orders, and proceedings, in any of the said colonies or plantations, whereby the power and authority of the parliament of Great Britain, to make laws and statutes as aforesaid, is denied, or drawn into question, are, and are hereby declared to be, utterly null and void to all in purposes whatsoever.

On the 6th the Lords, by a vote of 59 to 54, resolved in favor of executing the Stamp Act; but a similar proposition in the Commons was rejected by a vote of more than two to one.

On the 12th the King announced himself favorable to modification of the act; while the examination of Franklin before the House of Commons further strengthened the argument for repeal.

The repeal bill and the declaratory bill passed the Commons March 4, and on the 7th the declaratory bill passed the Lords. The proposition to repeal the Stamp Act, however, encountered strong opposition in the Lords, where 33 members entered a protest against it at the second reading, and 28 at the third; but on the 17th the bill passed, and the next day both acts received the royal assent.

Parliament appeased the unruly colonists by repealing the Stamp Act. However, the repeal of the Stamp Act did not mean that Great Britain was surrendering any control over its colonies.

The Declaratory Act, passed by Parliament on the same day the Stamp Act was repealed; members of Parliament were upset that colonists had challenged their authority and they asserted complete authority to make laws binding on the American colonies “in all cases whatsoever” and stated that the British Parliament’s taxing authority was the same in America as in Great Britain. (LOC)

The act particularly illustrated British insensitivity to the political maturity that had developed in the American provinces during the 18th century, partly in response to Parliament’s unwritten policy of salutary neglect toward the colonies during the first half of the century. (Select Charters Illustrative of American History)

Information here is primarily from Stamp-Act-History; Massachusetts Historical Society; Yale Law School; Britannica; Gilder-Lehrman Institute of American History; History-com; Khan Academy; Library of Congress; Select Charters Illustrative of American History

In an effort to provide a brief, informal background summary of various people, places and events related to the American Revolution, I made this informal compilation from a variety of sources. This is not intended to be a technical reference document, nor an exhaustive review of the subject. Rather, it is an assemblage of information and images from various sources on basic background information. For ease in informal reading, in many cases, specific quotations and citations and attributions are often not included – however, sources are noted in the summary. The images and text are from various sources and are presented for personal, noncommercial and/or educational purposes. Thanks, Peter T. Young