The Intolerable Acts

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Preamble

The Intolerable Acts, also known as the ‘Coercive Acts’, represent a series of disciplinary measures taken by Britain’s Parliament and directed at the colonies in the New World, in the aftermath of the French and Indian War. In what follows I will try to analyze the circumstances in which these acts were brought about, then I will try to show how and why these measures, although they seemed justified in the eyes of the British government, were not accepted by the colonists, who claimed that they only obstruct their freedom and economical prosperity.

The Circumstances

The beginning of the new policy towards the colonies is usually placed at the end of the French and Indian War¹. Why should this be the beginning? One possible answer would be because during the seven years of war (1756 - 1763) Britain exhausted most of its resources and got to the point where it needed the support of the colonists in its attempt to regain its position as a world power. Many English leaders were dissatisfied with the colonists’ support and came to the conclusion that they needed a major reorganization and their central authority should be nowhere else but in London. Throughout the Seven Years War, the English government continually supplied the colonies with British troops so that they might be protected from the French as well as the Indians who fought on the French side during the war. The troops were kept in the New World even after the French had surrendered their territories in Canada to Great Britain. Their continued presence was to protect the colonists from Indian invasions as well as French retaliation along the borders. With this war, the English Crown accumulated about \$ 2 million in debt. The colonies had, and still were, enjoying the benefits of being citizens of the British Empire while Great Britain was taking care of all of the costs. George Grenville, the Prime Minister of

¹Jack P. Green in his essay on ‘The Origins of the New Colonial Policies, 1746 – 1763’, writes that although it is generally agreed that the ‘new’ metropolitan colonial policy began after 1763 (i.e., after The Seven Years War), there are reasons to believe that the series of measures taken by the British officials were developed much earlier, namely around 1748. ‘The metropolitan government began to abandon its long standing posture of accommodation and conciliation towards the colonies for a policy of strict supervision and control’ (Greene, p. 95)

Parliament, did not appreciate the fact that England was paying the bill for the protection of the American colonists while they were gaining so much from the placement of troops there. In 1763, the time had come for the colonies to contribute as well and lighten the burden of the Crown. Following Grenville's policy, Charles Townsend imposed another series of taxes and in 1774 Lord North, the Prime Minister at the time, passed the five infamous acts.

Let us start with the beginning - the Grenville program. Between 1763 and 1765, George Grenville was Britain's Prime Minister. If one looks at the series of acts that he issued and supported when time came for the parliament to give its vote, one can concede they seem to be not only quite legitimate but, in some instances even required².

Most of the members of Parliament agreed with Lord Grenville, even if he was an 'insufferable bore' as King George III so eloquently mentioned once³. Lord Grenville was quite correct in his assessment of the situation concerning the American colonies. The debt incurred to defend them was great, and the colonists were paying very little of that bill. 'The time had come to pay for these victories which... the American colonies had done very little to achieve... in helping to meet the expenses, Grenville considered it was only proper that at least part of the high cost of maintaining a force of ten thousand men in America... should be met by the colonists themselves'⁴. The debt had been incurred on the colonies' behalf, and they should have to help pay for their protection. After all, Parliament reserved the right to tax any and every citizen of the British Empire, and the colonies were part of the empire. Grenville, as well as the Parliament, considered that there was no question as to whether or not the Parliament could tax the colonies. There was little opposition in the Parliament. Among those who did not agree were Grenville's own brother-in-law, William Pitt the Earl of Chatham and the political thinker and diplomat, Edmund Burke. Pitt's unsettling came not the ambiguity of whether or not they could tax, there was no doubt about that in any one's mind - but whether or not they should. Pitt, like Edmund Burke, had taken into account that colonists were left alone for a very long time and that they would not appreciate a swift action from the Parliament demanding a tax.

Unfortunately, William Pitt's fear became reality. The colonies strongly opposed the Sugar Act of 1763. A couple of decades before, in 1733, a Molasses Act was passed. It required a tariff on all sugar products that were imported into America from the West Indies. The American colonists, however, had found

²After the war, it had been decided that more soldiers should be sent into the colonies since there was fear that the French could strike again (there were more than 20,000 soldiers in the French West Indies). A greater number of soldiers meant more money and, as the soldiers were there for the colonists' protection, the latter should be the ones accommodating them. It seemed only logical! The next thing that had to be done was to find a way to raise the money. Then, although the colonists' trade was regulated by trade laws, they were not respected as they should have been and Grenville proceeded to enforce them. For example, from a molasses trade estimated at approximately 8 mil. gallons, there was a £700 duty instead of over £200,000 a year.

³Hibbert, p. 1

⁴Hibbert, p. xviii

that it was not difficult to smuggle their sugar and avoid paying the tariffs. This sort of activity was not allowed to go on in any other part of the British Empire, and Lord Grenville saw no reason why this practice should be permitted in the colonies without being sanctioned by England. Moreover, the colonies were lightly taxed when compared to the rest of the British Empire⁵. They were doing well in America! There was enough industrial development to surprise an Englishman who had never been there before. There was absolutely no excuse for the colonists to be further exempt from taxes and do otherwise than every other British citizen. Therefore, with logic on their side, King George, Lord Grenville, and Parliament agreed that through the Revenue Act the colonists should help pay for their own protection.

The Sugar Act was a follow up of the Molasses Act and it aimed at enforcing the trade regulations combined with an additional source of revenues for the soldiers. The money resulting from the alteration of the molasses duty was to be put entirely at the disposal of the army. At the time, the money from the molasses duty did not exceed £ 700 a year, where it was expected to be around £ 200,000 a year, from a trade estimated at 8 mil. gallons. Grenville justified the decision by reminding the MP's of Britain the vast amount of money spent on behalf of America during the war. The molasses duty will produce revenue and will maintain imperial preference (since there would still be no duty on the molasses from the British West Indies). The tax was received very badly across the Atlantic and, in the end, under much pressure from the colonies, the Parliament repealed the Sugar Act and Lord Grenville had to redesign his plans.

This is how the Stamp Act ⁶ came about. The idea for the Stamp Act was given to Grenville, in his quest for money for the colonies, from a London merchant (Henry McCulloh). The Stamp taxes were to be very small, around 70% of their equivalent in Britain. Corroborated with the Molasses duty, the Stamp taxes will cover one third of the army costs, the rest being taken care of by Britain itself.

The same year (1765), the Quartering Act was Grenville's response to Thomas Gage's discontent with regard to the difficulties over the quartering of soldiers and other problems caused by the colonial obstruction. Once again, Grenville's action seems to be a very legitimate answer. Basically, the Quartering Act requires that the colonies are to provide housing and food for the troops sent from Britain. This, can be regarded as an indirect act of taxation but, as we have seen above, all the money went to the colonies themselves.

In 1766 ⁷, however after continuous protests, the Parliament repelled the Stamp Act only after declaring that it had a right to bind the colonies 'in all cases whatsoever'. The Sugar Act and the Stamp Act had failed to gain revenue from the American colonists. The bold refusal of the American colonists was a

⁵The colonists had to 'pay no more than sixpence a year against the average English taxpayer's twenty-five shillings' – Hibbert, p. xviii

⁶The Stamp Act required taxes on all American legal documents – newspapers, pamphlets and 'items' such as playing cards, dice, etc. In Massachusetts, the Stamp Act could not get into effect since there was no one to distribute the stamps.

⁷Lord Grenville lost the seat of Prime Minister in 1765

slap in the face for the British Parliament. A plan to repay the debt was not enough. A more serious approach was needed.

The Townsend ‘Era’

In 1767, Charles Townsend took up the challenge. His legacy, inasmuch as the colonies are concerned can be summarized with what is known as the Townsend acts.

The Townsend Acts involved first the old Navigation Laws. Townsend, as well as Edmund Burke, did not expect that the colonies would protest against the Navigation Laws. They were ‘traditional commercial regulations’. They were the cornerstone of British colonial policy; they protected and promoted imperial commerce, to the benefit of mother country and colonies alike. Therefore, Burke argued that the solution of the American controversy was easy. Let Britain... ‘be content to bind America by laws of trade’ because she had ‘always done it’⁸.

The most stirring act from the Townsend series, which caused much trouble in 1767, proposed taxes on glass, paper, pasteboard, painters’ supplies, and tea. When the new tariffs were boycotted in the colonies, Parliament began to feel as though ‘The colonial merchants demanded in effect free trade... or [at least] easy smuggling’⁹. Free trade was something that the mother country did not even have. All Englishmen paid their taxes. There was no one on English soil, who was exempt from any of these taxes. Realizing that they would never willingly pay their taxes to the British Crown turned out to be ‘the beginning of the end’.

‘The boycott on British goods, particularly tea, threatened the livelihood of many English merchants. More and more sympathy for America was confined to those narrow circles of forward looking people or to professional politicians in opposition’¹⁰. The plain truth is that colonists did not allow to be taxed. The Townsend Acts were losing support at home because of the economic impact in England. The Parliament started to run out of ideas. The Townsend Acts were finally lifted, but the damage had already been done. It was just as Burke had feared when they were first introduced to Parliament. ‘He [had] prophesied correctly that the laws would “gain no revenue for England, but only embitter the colonists”’¹¹.

One law did remain intact when the Townsend Acts were repealed, and that was the Tea Act ‘for the sake of principle’¹², not for revenue. Burke had asked that this law be lifted as well because it was only causing a greater dislike of the English in America and brought absolutely no revenue. The request

⁸Cone, p. 261-262

⁹Miller, p. 102

¹⁰Lancaster, p. 24

¹¹Cone, p. 193

¹²Cone, p. 195

was denied¹³. On the evening of December 16, 1773, three companies of fifty men, masquerading as Mohawk Indians, passed through a tremendous crowd of spectators, went aboard three ships that just brought a new cargo of tea in the port of Boston, broke open the tea chests, and threw them overboard. As the electrifying news of the Boston ‘tea party’ spread, other seaports followed the example and staged similar acts of resistance of their own.

The Coercive Acts

The news of the ‘Boston Tea Party’ reached Parliament in early 1774. In response to the constant insubordination of the colonists, King George III himself approved of measures that were going to force the colonists into submission. As a result of the king’s approval, Parliament enacted four new laws and updated an old one. These laws, the Boston Port Bill, the Administration of Justice Act, the Massachusetts Government Act, the Quebec Act, and the updating of the Quartering Act, were called “coercive” by Parliament. The new set of acts, while important in itself, was not as important as the new question that came ringing across the ocean to echo in the halls of Parliament. The colonists were questioning Parliament’s very right to tax and rule over them. The Coercive Acts were designed to be just what they came to be called by the colonists – intolerable. It was the intention of Parliament at the time of these acts to force the colonists to obey the laws and pay the taxes that they were avoiding.

The first of these laws enacted in 1774 was meant as a direct punishment for the ‘Boston Tea Party’. Lord North, the Prime Minister at the time, presented this bill to Parliament and they, with the approval of the king, closed all of the ports in Boston, and ordered that they remain closed until the repayment for the tea that was at the bottom of the harbor could be made. This act alone would be detrimental to Boston’s economy, and therefore Parliament expected compliance with their laws from that day forth.

¹³It should be mentioned here, however, that in 1773, Britain’s East India Company owned large stocks of tea that it could not sell in England. This brought it on the brink of bankruptcy. The Tea Act was an attempt to help the company. It gave the company the right to export its merchandise directly to the colonies without paying any of the regular taxes that were imposed on the colonial merchants, who had traditionally served as the middlemen in such transactions. With these privileges, hopefully, the company could undersell American merchants and monopolize the colonial tea trade. The act backfired. First, it angered influential colonial merchants, who feared being replaced and bankrupted by a powerful monopoly. The East India Company’s decision to grant franchises to certain American merchants for the sale of their tea created further resentments among those excluded from this lucrative trade. More important, however, the Tea Act revived American passions about the issue of ‘taxation without representation’, as it will be shown later. The law provided no new tax on tea. Lord North assumed that most colonists would welcome the new law because it would reduce the price of tea to consumers by removing the middlemen. But the colonists responded by boycotting tea. Unlike earlier protests, this boycott mobilized large segments of the population. It also helped link the colonies together in a common experience of mass popular protest.

The Boston Port Act (March 31, 1774)

‘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 merchandise, at the town, and within the harbor, of Boston, in the province of Massachusetts’s bay, in North America.’

The text of the Act itself points to deeds that aim at subverting his Majesty’s government, that destroy public peace and good order. This kind of actions endangers the life of his Majesty’s officials working in Boston area. They represent a threat to society and therefore drastic measures have to be taken. There should be full satisfaction given not only to the officials but also to the ‘united company of merchants of England trading to the East Indies’, who had to suffer because of the riots. Moreover, any kind of transactions involving any activity in the port of Boston is to be ceased immediately. There are, however a few exceptions: anything that has to do with the king, his army or whatever is in his use; anything that has to do with fuel and supplies for the inhabitants brought from any part of America (provided the vessels will be subject to thorough search). These interdictions will be valid until the king will say otherwise (it ended in June 1774).

A further step in the attempt to regain control in the colonies was the Administration of Justice Act. In the aftermath of the riots, the Parliament decided that the royal officials in the American colonies needed some form of protection from the unfair legal prosecution that they might have experienced in the colonies. Therefore, the Administration of Justice Act demanded that any British officials being tried for a crime would be extradited to England so he would receive a fair trial.

The Administration of Justice Act (May 20, 1774)

‘An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts’s Bay, in New England.’

For a period of three years, the trials involving British officials should be moved to Great Britain and the persons involved should appear before the King’s bench. The reason for doing so, the Act stipulates, is that there are very slight chances to have fair trials in a place like Boston at the time, where ‘the execution of certain acts of the parliament hath been suffered to take place, uncontrolled and unpunished’...

It is only logical then that the parliament should try to limit as much as possible the power of local authorities. The next act that was issued, the Massachusetts Government Act, did exactly this. It removed the power of the assemblies and the town councils in the colonies and gave the governor complete control over them.

The Massachusetts Government Act (May 20, 1774)

An act for better regulating the government of the Massachusetts Bay, in New England

The act keeps going in the same direction as the previous ones - laws have been obstructed, the government at the time was 'ill adapted', etc. 'It hath accordingly happened, that an open resistance to the execution of the laws hath actually taken place in the town of Boston, and the neighborhood thereof...'. Consequently, the counselors and assistants will be appointed by the king. His Majesty's Governor or lieutenant-governor will be his Majesty's direct representative. The act also called attention upon the great number of unnecessary meetings, which could only imply that 'a great abuse of power has been made on calling these meetings'. It is not difficult to realize that a smaller number of meetings meant a lower probability for riots to happen.

In June 1774, two other acts were passed – the Quebec Act and the Quartering Act.

The Quebec Act (June 22, 1774)

'An act for making effectual Provision for the Government of the Province of Quebec, in North America'.

This was not one of the coercive acts, properly speaking, since it did not impose directly anything on the colonies themselves. What it did though was to modify the borders of the English colonies (as they were settled at the Proclamation of 1763), 'to include territory west to the Mississippi, north to the frontiers of the Hudson's Bay territory, and the islands in the mouth of the St. Lawrence'. Thus, it took away portions of land that were meant for the North Western colonies and extended the border of Canada. It also underlined the importance of religious tolerance towards the Catholics as well as closing an eye to their westward expansions.

But this was still not enough. A few days later, there was another motion passed by the Parliament with regard to the colonies.

The Quartering Act (June, 1774)

An act for the better providing suitable quarters for officers and soldiers in his Majesty's service in North America.

The Quartering Act of 1765 (when Grenville was Prime minister) was revised as a final punishment for the colonists. Previously, the colonists were demanded only to supply the soldiers stationed in America with unoccupied buildings for shelter and some food provisions. The revision demanded that the hospitality offered to the soldiers be extended to the point of the colonists taking the soldiers into their own homes. There were frictions between the colonists and the soldiers before¹⁴. This new act only added to their mutual dislike.

¹⁴A quick example: on the night of March 5, 1770, in what will become known as 'the Boston Massacre', five men had been shot dead in Boston by British soldiers.

The Intolerable Acts

At first sight, this strategy seems, again, to be very well prepared. It starts by punishing the misdeeds and therefore, it limits the liberties of the colonists. Then, it makes it so that the British officials are under the protection of the King. Being the King's direct representatives they bypassed the structure of power already in place. Moreover, as if there are not already enough reasons to upset the colonists, their prospective expansion was refused. The cherry on top was the standing army, whose role, all things considered, was very difficult to establish. The Quebec Act extended the borders of the French colonies. Why this, when the army is supposed to defend the British colonies from any further French or Indian attacks? Was the army there to defend them at all? It is not difficult to imagine that the colonists might have asked themselves the same kind of questions.

What do we have here then? On the one hand, there is the 'firm' hand of England that 'puts things in order' in North America. On the other hand, there is the growing mistrust and even hate among the colonists. The Coercive Acts became the Intolerable Acts. The colonists raised a new objection, this time not to the new laws, but the very right of the Parliament to enforce any laws and taxes upon them in the first place since they were not represented in Parliament. 'No Taxation, Without Representation' became the colonists' 'next attempt at avoiding the laws of England', and it sparked debates and reactions in the Parliament¹⁵.

William Pitt, who had been sympathetic towards the colonists and had said many times that they should not be taxed, never said that England could not tax the colonies. That power was evident. When he asked that Parliament not tax the colonists, he reminded them that while he was opposing the taxes, he 'at the same time, [asserted] the authority of this kingdom over the colonies to be sovereign and supreme in every circumstance'¹⁶. What he and the rest of the British government began to face was the question of the supremacy of Great Britain. They either ruled the colonies completely and totally, or they did not rule them at all. The colonies had challenged the authority of the Parliament at every turn, and this latest question of authority based on representation was just another excuse to avoid the laws.

William Pitt suggested that 'the idea of a virtual representation of America in this House [was] the most contemptible that [had] ever entered into the head of man. It [did] not deserve a serious refutation'¹⁷. The debates went on and

¹⁵From the colonies' point of view, it was impossible to consider themselves represented in Parliament unless they actually elected members to the House of Commons. But this idea conflicted with the English principle of 'virtual representation', according to which each Member of Parliament represented the interests of the whole country, even the empire, despite the fact that his electoral base consisted of only a tiny minority of property owners from a given district. The rest of the community was seen to be 'represented' on the ground that all inhabitants shared the same interests as the property owners who elected members of Parliament.

¹⁶Kallich MacLeish, p. 366

¹⁷Kallich MacLeish, p. 424

on, but one detail seemed to be lost in all of the arguments that were presented. If the colonies did not respect the power of Parliament, then who was actually governing America?

Conclusion

With all of the debating that went on in Parliament over the challenge of their power in America, the question always came back to one single problem. It did not matter what laws were enacted if the colonists did not adhere to them. Edmund Burke reminded everyone in Parliament that ‘a great black book and a great many red coats [would] never be able to govern [America]’¹⁸. For Burke, it was true that the Parliament had the right to impose taxes but good politics has to take into account those who are governed by it and thus it need not be intransigent and adhere strictly to the law rather than to its spirit. It needs to adapt to circumstances, otherwise it risks bringing about ‘conflict and ruin’. Governments can only prevent wrongdoings but they are incapable of ‘producing goodness’ as such. A good legislation does not exhaust the space of all possible and permissive actions.

The number of people in Parliament who sympathized with the situation faced by people in America grew smaller by 1774. It was certainly the right of Parliament to tax the colonies for their debt incurred by the Seven Years War, but none of the policies worked. Parliament had attempted to retrieve the money that the colonists owed for the protection they had received during the war and the stationing of the troops there ever since. Their method for regaining the funds that had been spent on America’s behalf was always a tax of some sort or another. While William Pitt and Edmund Burke supported the position of the colonists’ refusal to pay these taxes, they maintained that Parliament did have the right to impose any taxes as well as other laws upon the colonists. The right to impose a law or a tax, however, came with no guarantee that it would be followed. The colonists defied every act of Parliament and even questioned their right to be in authority over them. This forced the British government to enact even harsher laws where the colonists were concerned. Finally, when these laws were implemented, the colonists sparked a new debate as a last effort to avoid paying their taxes by saying that they were not represented in Parliament. They may not have been directly represented in Parliament, but, as it had been pointed out, no Englishman was directly represented¹⁹.

¹⁸Commager Morris, p. 15

¹⁹More than half a century before, John Locke (1632-1704) wrote his ‘Two Treatises of Government’ (1689): the first treatise targets Robert Filmer’s ‘Patriarchia’ (which advertised political authority stemmed by direct descent through the royal lines from Adam’s original title). However, Locke argues, the absolute title makes the rest of the humankind slaves. The second treatise draws on the social contract as the source of authority. In a pre-social state, no adult has natural authority over any other; rather, everyone is in a perfect state of freedom. Granted the law of nature, each person in the state of nature has the authority to enforce it. Thus, if you violate my rights I, in turn, have the right to punish you. Included in my rights, Locke would argue, is the right to property. I have the right to the product of my own labor when I turn virgin soil into farmland. This is what the colonists were doing.

The Parliament never asked the colonists to pay a tax that they could not afford. In reality, they were asked to pay less for the items that they had already been purchasing. Had they not been smuggling their goods into the colonies and avoiding the tax at every opportunity, they would have realized this.

In September 1774, twelve colonies, everyone but Georgia, sent delegates to a 'continental congress', in Philadelphia to coordinate a response. The Coercive Acts secured for Massachusetts the support and sympathy of all the other colonies. The Virginia assembly called for a meeting of representatives from the 13 colonies and Canada to consider joint action against Parliament's encroachments on colonial rights. The Congress did not seek independence from Great Britain but attempted to define America's rights, place limits on Parliament's power, and agree on tactics of resistance to the Coercive Acts. In October, the delegates adopted a Declaration of Rights and Grievances that denied Parliament's right to tax or legislate for the colonies and asserted that only the colonial assemblies had that power. They conceded though Parliament's authority to regulate trade. The Congress drew up the Continental Association, an agreement calling for the colonies to cease all trade with Britain until Parliament repealed the Coercive Acts. The Congress agreed upon arranging for a second meeting in May 1775. By that time, however, hostilities had begun between Britain and the colonies.

King George III's response, who was petitioned to intercede on behalf of the colonists was: 'The colonies are in a state of rebellion'. In 1775, General Gage, the new Royal Governor, sent troops to seize colonial arms stored at the town of Concord. Soon after, a new congress in Philadelphia appointed Washington to take charge of the colonial army at Cambridge. The confrontation started.

The Coercive Acts had a short and infamous life. They did not have the power that their name suggests. Au contraire, they were considered 'intolerable', they represented an excess of legislation that limited colonists' liberty. Something that could not last. This was the beginning of the American Revolution.

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