

Massachusetts Circular Letter to the Colonial Legislatures; February 11, 1768

The House of Representatives of this province have taken into their serious consideration the great difficulties that must accrue to themselves and their constituents by the operation of several Acts of Parliament, imposing duties and taxes on the American colonies.

As it is a subject in which every colony is deeply interested, they have no reason to doubt but your house is deeply impressed with its importance, and that such constitutional measures will be come into as are proper. It seems to be necessary that all possible care should be taken that the representatives of the several assemblies, upon so delicate a point, should harmonize with each other. The House, therefore, hope that this letter will be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive the sentiments of your or any other house of assembly on the continent.

The House have humbly represented to the ministry their own sentiments, that his Majesty's high court of Parliament is the supreme legislative power over the whole empire; that in all free states the constitution is fixed, and as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it without destroying its own foundation; that the constitution ascertains and limits both sovereignty and allegiance, and, therefore, his Majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution; that it is an essential, unalterable right in nature, engrafted into the British constitution, as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent; that the American subjects may, therefore, exclusive of any consideration of charter rights, with a decent firmness, adapted to the character of free men and subjects, assert this natural and constitutional right.

It is, moreover, their humble opinion, which they express with the greatest deference to the wisdom of the Parliament, that the Acts made there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights; because, as they are not represented in the British Parliament, his Majesty's commons in Britain, by those Acts, grant their property without their consent.

This House further are of opinion that their constituents, considering their local circumstances, cannot, by any possibility, be represented in the Parliament; and that it will forever be impracticable, that they should be equally represented there, and consequently, not at all; being separated by an ocean of a thousand leagues. That his Majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislature here, that their subjects might

enjoy the unalienable right of a representation; also, that considering the utter impracticability of their ever being fully and equally represented in Parliament, and the great expense that must unavoidably attend even a partial representation there, this House think that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

Upon these principles, and also considering that were the right in Parliament ever so clear, yet, for obvious reasons, it would be beyond the rules of equity that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain, from the Acts of trade, this House have preferred a humble, dutiful, and loyal petition, to our most gracious sovereign, and made such representations to his Majesty's ministers, as they apprehended would tend to obtain redress. They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom if the Crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it may judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the Crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject.

In addition to these measures, the House have written a letter to their agent which he is directed to lay before the ministry; wherein they take notice of the hardships of the Act for preventing mutiny and desertion, which requires the governor and council to provide enumerated articles for the king's marching troops, and the people to pay the expenses; and also, the commission of the gentlemen appointed commissioners of the customs, to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sum they please, for whose misconduct they are not accountable; from whence it may happen that officers of the Crown may be multiplied to such a degree as to become dangerous to the liberty of the people, by virtue of a commission, which does not appear to this House to derive any such advantages to trade as many have supposed.

These are the sentiments and proceedings of this House; and as they have too much reason to believe that the enemies of the colonies have represented them to his Majesty's ministers, and to the Parliament, as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty, and his ministers, that, with regard to the people of this province, and, as they doubt not, of all the colonies, the charge is unjust. The House is fully satisfied that your assembly is too generous and liberal in sentiment to believe that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies. They freely submit their opinions to the judgment of others;

and shall take it kind in your house to point out to them anything further that may be thought necessary.

This House cannot conclude, without expressing their firm confidence in the king, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favourable acceptance.