

Stephen Hopkins said it first

By BRADFORD F. SWAN

POLITELY, certainly with dignity and tact but also relentlessly and with careful logic, a Rhode Islander first stated in cold print the argument that was to become a battle-cry of the American Revolution: No taxation without representation.

It was Governor Stephen Hopkins who did this, and the pamphlet he wrote was *The Rights of Colonies Examined*. The title-page of the earliest edition, printed by William Goddard in Providence in 1764, states that it was "Published by Authority," and the General Assembly of the colony paid the bill for the printing.

There is no author's name on the title-page of that first edition, but several copies exist in which "By Stephen Hopkins Govr" has been written in ink across the page. Furthermore, the proceedings of the General Assembly in November, 1764, contain a resolution "that His Honor, the Governor, be and he is hereby requested to correct and finish the piece lying before this Assembly, entitled, *The Rights of the Colonies Examined*."

The pamphlet came out on December 22, 1764 (although the Roman numerals on the title-page give the date as 1765, a common practice among printers who always liked to have their publications appear as the latest news). It was reprinted almost immediately with a slight change on the title-page: A two-line quotation from St. Paul was substituted for "Published By Authority."

William Goddard stated in his reminiscences that it was republished in Boston, New York, and several other colonies. Probably most of these sub-

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sequent printings were in the local newspapers.

But Governor Hopkins' carefully reasoned argument also reached the Mother Country and in 1766 the London printer J. Almon brought out an edition under the altered title: *The Grievances of the American Colonies Candidly Examined*. In England the Hopkins pamphlet brought forth a number of replies, including Dr. Samuel Johnson's *Taxation No Tyranny*.

It is rather strange that the General Assembly should have made that slight error in recording the title of Hopkins' work. Putting a "the" before the word "Colonies" changes the whole tone of the argument.

Hopkins was very careful to base his argument on the rights of colonies in general, not on any specific rights

Hopkins' pamphlet caused quite a stir in England.

that Britain's North American colonies might have.

Right at the outset of his pamphlet he sought to establish the fundamental relationship between Mother Country and colony and to point out what could transform liberty into slavery.

The pamphlet's opening sentence presents his basic argument:

"Liberty is the greatest blessing that men enjoy, and slavery the heaviest curse that human nature is capable of. This being so, makes it a matter of the utmost importance to men, which of the two shall be their portion.

"Absolute liberty is, perhaps, incompatible with any kind of government. The safety resulting from society, and the advantage of just and equal laws, hath caused men to fore-

go some part of their natural liberty, and submit to government."

Proceeding to the second step in his argument, Hopkins writes of the British constitution, "the best that ever existed among men," that it was "founded by compact, and established by consent of the people."

"By this most beneficent compact," he continues, "British subjects are to be governed only agreeable to laws to which themselves have some way consented, and are not to be compelled to part with their property, but as it is called for by the authority of such laws.

"On the contrary, those who are governed at the will of another, or of others, and whose property may be taken from them by taxes, or otherwise, without their own consent, and against their will, are in the miserable condition of slaves. . . ."

Hopkins then went on to call attention to the fact that the charters of such colonies as Massachusetts and Rhode Island stipulated that the inhabitants of these colonies would have the same rights as Englishmen in Old England. He added, a bit snidely:

"Indeed, there would be found very few people in the world willing to leave their native country and go through the fatigue and hardship of planting a new, uncultivated one, for the sake of losing their freedom."

And he also pointed out that for nearly 150 years the equality of the rights of colonists had been recognized by the home government. Only now, those rights had been curtailed with such measures as the renewal of the hated Sugar Act, the prohibition of colonial exports to any ports but those of Great Britain, internal revenue duties, such as the Stamp Act, assessed on men who have no voice and no representation in the government which assesses them, and the changes in the admiralty courts rules which would cause untold inconvenience to Rhode Islanders.

Returning to the matter of general principles, Hopkins laid it on the line on page nine of his pamphlet: >24



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"From what hath been shewn, it will appear beyond a doubt that the British subjects in America have equal rights with those in Britain; that they do not hold those rights as a privilege granted them, nor enjoy them as a grace and favor bestowed, but possess them as an inherent indefeasible right, as they and their ancestors were free-born subjects, naturally and justly intituled to all the rights and advantages of the British constitution.

"And the British legislative and executive powers have considered the colonies as possessed of these rights, and have always heretofore in the most tender and parental manner treated them as their dependant, though free, condition required. The protection promised on the part of the crown, with cheerfulness and great gratitude we acknowledge hath at all times been given to the colonies. The dependance of the colonies to Great Britain hath been fully testified by a constant and ready obedience to all the commands of his present Majesty, and his royal predecessors: both men and money having been raised in them at all times when called for with as much alacrity and in as large proportions as hath been done in Great Britain, the ability of each considered...."

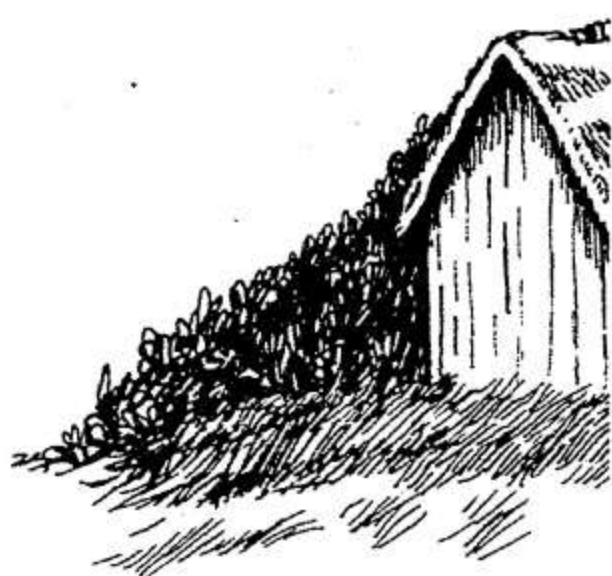
On page 11 Hopkins brings up the question of representation for the colonies in the Parliament:

"Here it may be urged by many, and indeed with great appearance of reason, that the equity, justice, and beneficence of the British constitution will require that the separate kingdoms and distant colonies who are to obey and be governed by these general laws and regulations ought to be represented, some way or other, in Parliament, at least whilst these general matters are under consideration.

"Whether the colonies will ever be admitted to have representatives in Parliament—and whether, if it were admitted, it would be to their advantage—are questions we will pass by, and observe that these colonies ought in justice, and for the very evident good of the whole commonwealth, to have notice of every new measure about to be pursued, and new act that is about to be passed, by which their rights, liberties, or interests will be affected. They ought to have such notice, that they may appear and be

heard by their agents, by council, or written representation, or by some other equitable and effectual way."

Hopkins went into considerable detail in his discussion of the duty on molasses—or melasses, as he spelled it—and its probable effect on Rhode Island's economy. The duty was to be three pence per gallon on imported foreign molasses. Since Rhode Island imported 1,150,000 gallons each year it would mean that the colony would have to pay a duty of 14,375 pounds sterling, or 24 shillings per inhabitant.





"There is surely no man in his right mind believes this possible," Hopkins wrote, in one of his rare bursts of anger.

Furthermore, he was quick to point out, the duty on imported molasses would not affect the colonies equally, nor would it hurt any other colony as badly as it would hurt Rhode Island, which had built up an extensive distilling industry as just about the chief element in its economy. If the colony could and did support the duty, he continued, it would take away so

much of Rhode Island's money that it couldn't buy any British manufactures. The duty would be killing off one of Britain's best markets for its manufactured goods.

"Will she find an advantage in disabling the colonies to continue their trade with her?" Hopkins asked. "Or can she possibly grow rich by their being made poor?"

Hopkins also expressed the alarm and resentment of the colonists

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caused by the House of Commons passing a resolution at this same session asserting "their rights to establish stamp duties and internal taxes, to be collected in the colonies without their own consent. . . ."

This, he wrote, "alarmed the British subjects in America more than anything that had ever been done before. And indeed, if the people in America are to be taxed by the representatives of the people in Britain, their malady is an increasing evil that must always grow greater by time. Whatever burdens are laid upon the Americans will be so much taken off the Britons; and the doing this will soon be extremely popular, and those who put up to be members of the House of Commons must obtain the votes of the people by promising to take more and more taxes off them, by putting it on the Americans."

As for complaints against the Mother Country, Hopkins was aware that his opposition to the taxes without representation might get him into trouble.

"We are not insensible," he wrote, "that when liberty is in danger, the liberty of complaining is dangerous: yet, a man on a wreck was never denied the liberty of roaring as loud as he could, says Dean Swift. And we believe no good reason can be given why the colonies should not modestly and soberly inquire what right the Parliament of Great Britain have to tax them. We know such inquiries...will draw down the resentment of the Parliament on them. Is the defence of liberty become so contemptible, and pleading for just rights

so dangerous?...And can it possibly be shown that the people in Britain have a sovereign authority over their fellow-subjects in America?"

As for the costs of their defense, which was the announced reason for taxing the colonies, Hopkins pointed out that in 1746 the colonies raised their own forces and paid for them and defended themselves and then, when they had hopes of a respite, they "dutifully obeyed" a requisition from the Crown "and with ardor entered into those services and continued in them until all encroachments were removed and all Canada, and even the Havana, conquered...Hard will be the fate, yea cruel the destiny, of these unhappy colonies if the reward they are to receive for all this is the loss of their freedom; better for them Canada still remained French, yea far more eligible that it ever should remain so, than that the price of its reduction should be their slavery."

Having warmed up to his argument, Hopkins "cooled it" with a final note of friendship and loyalty to the Crown:

"May the same goodness that guided the first planters, protected the settlements, inspired kings to be gracious, parliaments to be tender, ever preserve, ever support our present gracious King; give great wisdom to his ministers, and much understanding to his parliaments: perpetuate the sovereignty of the British constitution, and the filial dependency and happiness of all the colonies."

The text was signed "P———." and it was dated "Providence, in New-England, November 30, 1764."

It went a long way to crystallize the thinking which made the American Revolution inevitable. □