

Viewpoint 10B
*Parliament Is Not Abusing the
Rights of Americans (1765)*

Martin Howard (ca. 1720–1781)

INTRODUCTION In February 1765 a pamphlet was published sharply attacking Stephen Hopkins's tract *The Rights of Colonists Examined*, in which the Rhode Island governor asserted that American colonists had the same political rights as Englishmen (see viewpoint 10A). The anonymous author purported to be a gentleman from Halifax, Nova Scotia, but was in fact Martin Howard, a Newport, Rhode Island, resident and a political opponent of Hopkins. In his pamphlet, excerpted here, Howard sharply attacks both Hopkins's writing style and his arguments. Howard asserts that the political rights of colonists are limited by the colonial charters, and he refutes Hopkins's contention that Americans share equal rights with the English. His sympathies toward Great Britain known (despite the use of a pseudonym in this instance), Howard was forced to flee Rhode Island after being attacked by mobs during the August 1765 Stamp Act riots.

What distinctions does Howard make between personal and political rights? How does he respond to the argument that colonists cannot be taxed by Parliament without representation in that body? How popular does Howard believe to be his own views in the colonies?

My Dear Sir,

I thank you very kindly for the pamphlets and newspapers you was so obliging as to send me. I will, according to your request, give you a few miscellaneous strictures on that pamphlet, wrote by Mr. H—p—s, your governor, entitled *The Rights of Colonies Examined*. . . .

The Rights of Colonies Examined is a labored, ostentatious piece, discovers its author to be totally unacquainted with style or diction, and eagerly fond to pass upon the world for a man of letters. . . .

However disguised, polished, or softened the expression of this pamphlet may seem, yet everyone must see that its professed design is sufficiently prominent throughout, namely, to prove *that the colonies have rights independent of, and not controllable by the authority of Parliament*. It is upon this dangerous and indiscreet position I shall communicate to you my real sentiments. . . .

*The colonists have no rights
independent of their charters.*

From *A Letter from a Gentleman at Halifax, to His Friend in Rhode Island, Containing Remarks upon a Pamphlet Entitled "The Rights of Colonies Examined"* by Martin Howard.

PERSONAL AND POLITICAL RIGHTS

The several New England charters ascertain, define, and limit the respective rights and privileges of each colony, and I cannot conceive how it has come to pass that the colonies now claim any other or greater rights than are therein expressly granted to them. I fancy when we speak or think of the rights of freeborn Englishmen, we confound those rights which are personal with those which are political: there is a distinction between these which ought always to be kept in view.

Our personal rights, comprehending those of life, liberty, and estate, are secured to us by the common law, which is every subject's birthright, whether born in Great Britain, on the ocean, or in the colonies; and it is in this sense we are said to enjoy all the rights and privileges of Englishmen. The political rights of the colonies or the powers of government communicated to them are more limited, and their nature, quality, and extent depend altogether upon the patent or charter which first created and instituted them. As individuals, the colonists participate of every blessing the English constitution can give them: as corporations created by the crown, they are confined within the primitive views of their institution. Whether, therefore, their indulgence is scanty or liberal can be no cause of complaint; for when they accepted of their charters they tacitly submitted to the terms and conditions of them.

The colonies have no rights independent of their charters; they can claim no greater than those give them; by those the Parliamentary jurisdiction over them is not taken away, neither could any grant of the King abridge that jurisdiction, because it is founded upon common law, as I shall presently show, and was prior to any charter or grant to the colonies: every Englishman, therefore, is subject to this jurisdiction, and it follows him wherever he goes. It is of the essence of government that there should be a supreme head, and it would be a solecism in politics to talk of members independent of it.

With regard to the jurisdiction of Parliament, I shall endeavor to show that it is attached to every English subject wherever he be, and I am led to do this from a clause in page nine of His Honor's pamphlet, where he says "That the colonies do not hold their rights as a privilege granted them, nor enjoy them as a grace and favor bestowed, but possess them as an inherent, indefeasible right." This postulatam cannot be true with regard to political rights, for I have already shown that these are derived from your charters, and are held by force of the King's grant; therefore these inherent, indefeasible rights, as His Honor calls them, must be personal ones, according to the distinction already made. Permit me to say that inherent and indefeasible as these rights may be, the jurisdiction of Parliament over every English subject is equally