

## **Legislatures, legislation and legislating in the British Atlantic, 1692-1800**

Abstract: Despite recent work quantifying the legislative output of the British and Irish parliaments between 1692 and 1800, the same has not been extended to the imperial territories of the British Atlantic in the same period, despite the importance of colonial politics in the sweeping constitutional changes that culminated in 1775 and revolution. This article is the first to track the basic patterns of legislative output from all the colonial legislatures in North America and the West Indies and to link these data with population. It shows that the overall output jumped considerably in the period, as in Britain and Ireland, but that this was largely concentrated in the 1750s and 1760s under the pressure of warfare, though colonial elites afterwards began to exploit their new legislative experience for their own needs. However, no clear correlation was found between legislation and revolution. The experience of individual territories varied wildly, suggesting the causes of revolution were neither inherent nor inevitable, and that legislation was a tool used by both sides rather than a cause of conflict in its own right.

One of the defining features of the British Atlantic world in the eighteenth century was the widespread importance of legislatures, legislation and legislating to their internal politics. Even Bermuda, a miniscule island of some 8,000 people set in the midst of the Atlantic Ocean, was granted an assembly, as were the four islands of Grenada, Dominica, Tobago and St Vincent ceded by France to Britain in 1763. It was only in the wake of the American Revolution that the imperial state began to reassess this policy. These legislatures had important constitutional and political functions that have been the subject of considerable scholarship, but they were also, and perhaps even primarily, legislative institutions intended for the making of law. Yet despite recent work quantifying the legislative outputs of the Westminster and Dublin parliaments between 1660 and 1800, which has revealed the importance of this legislation in the politics, societies and economies of the British Isles, a comparable exercise has never been properly attempted for the other territories of the British Atlantic in this period. Consequently basic questions are still unanswered, such as how much legislation was passed in this period, both cumulatively and in individual colonies; how and why patterns changed across the period; whether this legislation served the same purpose in the British Atlantic as in Britain and Ireland; and, perhaps most importantly of all, whether this can help to explain why some colonies chose to rebel against British rule in 1775 and others remained loyal. This preliminary study of legislation in the British Atlantic between 1692 and 1800 shows that the output increased in this period, driven mainly by the pressures of war in 1754, and that no real differences can be found between North American and West Indian colonies, suggesting it was not a crucial factor in determining allegiance.

The legislative initiatives of the British and Irish parliaments between 1692 and 1800, including the failed legislation that did not make it into law, have been quantified and examined by Julian Hoppit, Joanna Innes, David Hayton and James Kelly, and many others.<sup>1</sup> They have argued that this development was of particular importance to any understanding of the political, social and economic development of these two nations, since it suggested a changing and even recognisably 'modern' pattern of intervention by government and the state in the lives of its citizens. Major constitutional shifts, such as the decline in the power of the Crown, the rise of political parties and a wider level of participation by the populace in national politics all took place against the backdrop of the expanded output of the two legislatures. Quantification has therefore proven a useful exercise, providing a basic yardstick for measuring the scale, scope and speed of legislative change, and studies of the British Atlantic have consequently suffered through the lack of a similar exercise. The sole attempt to quantify colonial legislative output within a comparative framework was made by Alison Olson in an article of 1992, which argued that output increased across most colonies during the eighteenth century, and that this reflected a new and more productive relationship between colonial legislatures and their citizens that preceded the revolution.<sup>2</sup> Drawing together existing secondary literature on individual assemblies and offering a few brief comparisons of petitioning and legislative output, Olson argued that by the mid-eighteenth

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<sup>1</sup> Julian Hoppit, 'Patterns of parliamentary legislation, 1660-1800', *Historical Journal*, 39 (1996) pp. 109-31; Julian Hoppit and Joanna Innes, *Failed legislation, 1660-1800* (London, 1997); Joanna Innes, 'Parliament and the shaping of eighteenth-century English social policy', in *ibid*, *Inferior politics: social problems and social policies in eighteenth-century Britain* (Oxford, 2009) pp. 21-47; David Hayton, 'Introduction: the Long Apprenticeship', *Parliamentary History*, 20 (2001) pp. 1-26; James Kelly, *Poyning's law and the making of law in Ireland, 1660-1800* (Dublin, 2007)

<sup>2</sup> Alison Olson, 'Eighteenth-century colonial legislatures and their constituents', *Journal of American History*, 79 (1992) pp. 543-67

century ‘the assemblies were gathering power ... [partly] through their developing ability to handle the legislative needs of their constituents’. This pointed to a common process of development that was supported by Jack Greene’s quantitative study of the levels of turnover among legislators within the British Atlantic before 1775, which found a wider convergence on metropolitan norms and greater levels of stability among most of the mainland colonies that tipped into revolt than among the major of the West Indian colonies..<sup>3</sup>

Though Olson was careful to draw no explicit conclusions from this comparison, the underlying or implicit assumption – often echoed in the secondary literature on individual colonies – was that this process formed the prelude to the outbreak of the American Revolution in 1775. Combined with other indicators such as the growing number of petitions to legislatures, the rise of an active public sphere, the increasing tempo of confrontation between imperial and colonial groups, the increasing terms and experience of colonial legislators and the larger number of appeals from colonial to imperial courts described by Sarah Mary Bilder, this has arguably encouraged the tacit view that by 1775 the colonists had basically outgrown the imperial constitution and were ready to embrace an independent legislative, judicial and even executive authority. The new intellectual engagement with constitutional and political theory visible in the colonies after 1763, and described by Bernard Bailyn and others as the ‘ideological origins of the American Revolution’, was therefore based on an increasing concrete experience of colonial law-making.<sup>4</sup> These assumptions need to be tested though, not only to establish a more satisfactory quantitative measures for this process but also to assess the experience of North America against comparable colonies

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<sup>3</sup> Jack P. Greene, ‘Legislative turnover in British America, 1696 to 1775: a quantitative analysis’, *William and Mary Quarterly*, 38 (1981) pp. 442-63.

<sup>4</sup> Bernard Bailyn, *The ideological origins of the American Revolution* (Cambridge, Mass.; London, 1992)

in the West Indies and in Britain and Ireland itself. The importance of adopting an ‘Atlantic’ perspective for studying colonial history has been widely recognised, but rarely applied to the study of political matters except by Jack Greene and a few others, and even the landmark studies of the ‘transatlantic constitution’ by Bilder and Daniel Hulsebosch were focussed on the individual colonies of Rhode Island and New York respectively.<sup>5</sup> A quantitative study that establishes the basic patterns of legislative output in the British Atlantic between 1692 and 1800, in particular how many acts were passed each year, in each colony, and how this changed, can thus contextualise existing research on individual colonies and test the links between legislation and revolution in 1775 while also offering a useful basis for further work on the role of legislation in the development of their politics, societies and economies.

The following sections consequently offer a broad survey of legislative output in the colonies of the British Atlantic between 1692 and 1800, or 1775 in the case of the North American colonies that joined the American Revolution. These dates have been chosen with care. Although many colonies had assemblies of various kinds in the seventeenth century, the period was one of constitutional evolution and frequent change, leading to volatile legislative outputs. By contrast, 1692 saw the political settlement of Ireland in the wake of the Williamite Wars, the transformation of Massachusetts Bay into a royal colony, and the

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<sup>5</sup> Mary Sarah Bilder, *The transatlantic constitution: colonial legal culture and the empire* (Cambridge, MA, 2004); Daniel Joseph Hulsebosch, *Constituting empire: New York and the transformation of constitutionalism in the Atlantic world, 1664-1830* (Chapel Hill, NC, 2005). For the importance of an ‘Atlantic’ approach to American and Caribbean topics, see P. J. Marshall, *The making and unmaking of empires: Britain, India, and America c.1750-1783* (Oxford, 2005) pp. 1-12; H. V. Bowen, Elizabeth Mancke, and John G. Reid, *Britain's oceanic empire: Atlantic and Indian Ocean worlds, c.1550-1850* (Cambridge, 2012); Trevor G. Burnard, *Planters, merchants, and slaves: plantation societies in British America, 1650 - 1820* (Chicago, IL, 2015)

beginning of a degree of stability in colonial politics.<sup>6</sup> The final date of 1800 has been chosen to align this study with existing work on Britain and Ireland and to chart the trajectory of the West Indian colonies after 1775. Although The National Archives of the United Kingdom have several dozen feet of shelves with copies of all the colonial acts sent to Britain for confirmation, for convenience this study uses instead the collections of laws that were printed at various times by the individual colonies, which may entail a small degree of inaccuracy and gaps in coverage when the individual collections end. For example, the only printed collections for St Kitts run from 1711 to 1791 and thus do not cover the beginning and end of this period, while others omit the smaller numbers of ‘private’ acts passed in this period.<sup>7</sup> It has been difficult as well to find complete collections of laws for the West Indian islands of Nevis, Montserrat, the Bahamas and Dominica, or for Rhode Island, and the data offered here therefore understates the overall volume and pattern of legislation, but probably not by much.<sup>8</sup> All other colonies printed reasonably comprehensive codes of law in this period, itself an indication of the growing importance that legislation played in their

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<sup>6</sup> Robert M. Bliss, *Revolution and empire: English politics and the American colonies in the seventeenth century* (Manchester, 1990) pp. 219-47; Richard R. Johnson, *Adjustment to empire: the New England colonies 1675-1715* (Leicester, 1981) pp. 136-241; David Hayton, *Ruling Ireland, 1685-1742: politics, politicians and parties* (Woodbridge, 2004) pp. 35-105; Charles Ivar McGrath, *Ireland and empire, 1692-1770* (London, 2012) pp. 37-61

<sup>7</sup> *Acts of Assembly passed in the Island of St. Christopher from the year 1711 to 1769*, (1769); *Laws of the Island of St. Christopher; from 1711 to 1791*, (Saint Christopher's, 1791)

<sup>8</sup> Nevis and Montserrat only printed their acts up to 1740: *Acts of Assembly, passed in the Island of Nevis, from 1664, to 1739, inclusive*, (1740); *Acts of Assembly, passed in the Island of Montserrat from 1668 to 1740, inclusive*, (London, 1740). The earliest surviving list of legislation in Dominica only included the acts then in force: *Laws of the Island of Dominica from 1763 to 1841*, (1858).

societies.<sup>9</sup> Data for colonial population in this period are also uneven, especially for the West Indian islands, but calculating decadal figures enables legislative output to be compared with population in order to detect correlations.<sup>10</sup>

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<sup>9</sup> I used the following sources to assemble the statistics which follow: Albert Stillman Batchellor and Henry Harrison Metcalf (eds.), *Laws of New Hampshire, including public and private acts and resolves and the royal commissions and instructions, with historical and descriptive notes, and an appendix* (3 vols., 1904-15); 'State Library of Massachusetts: DSpace: Acts and Resolves', [<http://archives.lib.state.ma.us/handle/2452/116156>, accessed 9 October 2017]; Charles Jeremy Hoadly and J. Hammond Trumbull (eds.), *The Public Records of the Colony of Connecticut* (15 vols., 1850); *The Colonial Laws of New York from the year 1664 to the Revolution*, (5 vols., Albany, NY, 1894); Samuel Allinson (ed.), *Acts of the General Assembly of the Province of New-Jersey, from ... 1702 to ... 1776* (1776); James Dunlop (ed.), *The General Laws of Pennsylvania from the year 1700 to April 22, 1846* (1847); 'Archives of Maryland Online', [<http://aomol.msa.maryland.gov/html/laws.html>, accessed 9 October 2017]; William Walter Hening (ed.), *The Statutes at large; being a collection of all the laws of Virginia* (13 vols., Richmond, VA, 1809-1823); William L. Saunders (ed.), *Colonial records of North Carolina 1662 to 1776* (30 vols., Wilmington, NC, 1969); John Faucherand Grimke (ed.), *The Public Laws of the State of South Carolina* (Philadelphia, PA, 1790); James Johnston (ed.), *Georgia colonial laws, 17th February 1755 - 10 May 1770* (Washington, DC, 1932); *The Laws of Jamaica*, (7 vols., St Jago de la Vega, Jamaica, 1802-24); Richard Hall (ed.), *Acts passed in the island of Barbados, from 1643 to 1762 inclusive* (London, 1764); Samuel Moore (ed.), *The Public Acts in Force; passed by the Legislature of Barbados, from May 11th 1762 to April 8th 1800, inclusive* (London, 1801); *The Laws of the Island of Antigua ... with, prefixed to each volume, analytical tables of the titles of the acts; and, at the end of the whole, a copious digested index*, (4 vols., London, 1805-47); *Laws of the Island of St. Christopher; from 1711 to 1791* (London, 1791); *The Laws of the Island of Saint Vincent, and its dependencies, from the first establishment of a legislature to the end of the year, 1809, and from the beginning of the year 1810 to the end of 1821* (Bridgnorth, Shropshire, 1811); *The acts of the legislature of the islands of Tobago, containing the whole of the laws up to the 1st August 1800, which are now in force* (Tobago, 1800); George Smith (ed.), *The Laws of Grenada, from the year 1763, to the year 1805, with tables of all the Statutes passed in that period* (London, 1808); John Harvey Darrell (ed.), *Acts of the Legislature of the Islands of Bermuda, remaining in force at the end of the year 1860* (New York, NY, 1862)

Bringing these figures together shows that a very high degree of variation existed between individual colonies, both geographically and chronologically, but a few important general trends can be identified. Legislative output increased only slowly between 1692 and 1750, despite population growth and the settlement of more colonies, but then expanded rapidly between 1750 and 1775, driven mainly by the unprecedented demands and continental scope of the Seven Years War. Though colonies in North America generally increased their legislative output during this period, and those in the West Indies generally remained stable, important exceptions occurred in both places that make it difficult to extract general rules, and in terms of the overall ratio between legislation and population there was usually very little to distinguish loyalist colonies from rebellious ones. Legislative change therefore did not serve as a trigger for revolution, but provided each side with an instrument they could use to advance or oppose revolution once they had made the decision whether or not to revolt.

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The British Atlantic world produced about 120 acts per year between 1692 and 1720, rising to about 150 acts per year between 1730 and 1750. There was a sharp increase of about 10

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<sup>10</sup> Population figures for North America were taken from *Historical Statistics of the United States, Colonial Times to 1970* (Washington, DC, 1975), Table Z 1-19, 'Estimated population of the American colonies, 1610-1780'. Population figures for the West Indies for 1690 to 1750 were taken from Frank Wesley Pitman, *The development of the British West Indies: 1700-1763* (London, 1967) pp. 370-90 and for 1760 to 1790 from John J. McCusker, 'The economy of the British West Indies, 1763-1790: growth, stagnation or decline', in John J. McCusker (ed.), *Essays in the economic history of the Atlantic world* (London, 1997) p. 205. Where no figure exists for a given year, the closest figure within five years has been applied; where this did not exist, the figure represents an average of the two closest figures.

acts in the 1710s, and another in the 1740s, but the overall trend was a slow and stable increase. The years between 1750 and 1775, however, were hugely transformative (Figure 1). The overall volume of legislation increased precipitately from about 150 acts per year in 1750 to about 250 acts per year in 1760, the growth occurring in New England and the Southern colonies in the 1750s and then spreading to the Mid-Atlantic and West Indian colonies in the early 1760s.<sup>11</sup> Expansion continued into the 1770s in all four regions until it was interrupted by the American Revolutionary War, which removed most of the mainland colonies from British control. However, even after 1783 the legislative output of the Caribbean colonies continued to grow, rising from about 35 acts in 1760 and 50 acts in 1770 to around 65 acts per year between 1780 and 1800. The quarter-century or so before 1775 was thus marked by an transformative and sustained upsurge in legislative output across British Atlantic. As noted above, this was mirrored by the growing amount of legislation emanating from the Westminster and Dublin parliaments. After a century of slowly increasing output, the period after 1760 saw ‘an era of remarkable growth’ for the British legislature, as the number of annual acts doubled from about 100 in 1750 to 200 in the 1770s and then 250 in the 1790s.<sup>12</sup> In Ireland the annual output remained about 10 acts per year from 1692 to 1760, but this doubled in the 1770s, reached about 50 acts in the 1780s, and peaked at more than 60 acts on average in the 1790s.<sup>13</sup> All these legislatures therefore increased their output in this period, but colonial output began to rise before that of Westminster and Dublin, ruling out a direct link and suggesting that other factors lay behind this transformative legislative change.

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<sup>11</sup> All decennial figures for legislation represent an average of the surrounding ten years *i.e.* the figure for 1760 represents an average of total legislation between 1755 and 1764 inclusive.

<sup>12</sup> Hoppit, 'Patterns', p. 110

<sup>13</sup> This calculation is based on Hayton, 'Long Apprenticeship', pp. 1-26 and a count of successful legislation in the Irish Legislation Database [<http://www.qub.ac.uk/ild/>, accessed 10 October 2017]

**[Insert Figure 1 here]**

The most obvious explanation for this overall increase in legislative output is the rapid expansion of population in the British Atlantic, which increased from around 300,000 in 1692 to some 2.5 million in 1775, largely through forced and voluntary migration. As the number of colonies and their inhabitants expanded it is reasonable to expect that the number of issues that needed to be addressed by legislation would increase in proportion, leading to a stable ratio between population and legislation. Calculating the number of acts as a ratio of the number of heads of population per act passed for each decade between 1692 and 1800 shows that this was not the case across the British Atlantic as a whole (Table 1). Because legislative output across the region between 1692 and 1750 was stable during a period of population growth, the ratio increased steadily from about 2,500 heads per act in 1692 to about 8,000 heads per act in 1740. Though output then increased from 1750, it was barely enough to keep pace with the continued rise in population. The departure of the North American colonies and the disruptive effects of warfare after 1775 altered this pattern. The remaining West Indian colonies faced a long series of military challenges during a period of much slower population growth between 1775 and 1800, and the overall ratio consequently fell by half, to levels last seen in the early eighteenth century. There was therefore no linear relationship between population and legislation but a long era of stability followed by a massive expansion of output from 1750, which was still barely enough to keep pace with population growth and persisted beyond 1775. Even in 1770 most colonies were still passing roughly three or four times fewer acts per head of population than they had in 1692.

**[Insert Table 1 here]**

Population increase therefore offers only a partial explanation for the broader increase in legislative output, indicating that certain external or exogenous events played some role in the alteration. Whereas roughly 130 acts were passed per year in peacetime between 1713 and 1739, during the subsequent War of Jenkin's Ear and the War of the Austrian Succession (known as King George's War in North America), the total grew to an average of 150 per year.<sup>14</sup> This fell back to 140 during a brief interlude of peace, then increased to roughly 225 a year during the Seven Years War (also known as the French and Indian War) which lasted in North America from 1754 to 1764, and even increased to about 230 acts per year between 1765 and 1775. Legislation was therefore closely correlated with warfare, and closer attention to the experiences of individual colonies makes it possible to tease out the causal linkages between them. Taking as case studies the three important colonies of Massachusetts, Virginia and Jamaica, and comparing them with kingdom of Ireland, whose fiscal-military structures have all been the subject of recent scholarship, highlights the crucial impact that warfare had on each. Under sustained military pressure, the timing of which varied between colonies, the output of their legislatures either began to increase or began to rise at a faster pace, in order to address the fiscal and military demands of war. Once this pressure abated, output either fell or increased at a slower pace, and colonial elites often began to take advantage of their recent legislative experience to pass new laws intended for their own benefit.

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<sup>14</sup> For a global overview of these conflicts, see Richard Harding, *The emergence of Britain's global naval supremacy: the war of 1739-1748* (Woodbridge, 2010); Fred Anderson, *The crucible of war: the Seven Years' War and the fate of empire in British North America, 1754-1766* (London, 2000) and the essays in Mark H. Danley and Patrick J. Speelman, *The Seven Years' War: global views* (Leiden, 2012)

For much of the period between 1692 and 1775 the colony of Massachusetts Bay was the first major line of defence for the British possessions in North America, shielding the other New England and mid-Atlantic colonies from the French territories in New France and the Gulf of St Lawrence and from Native American incursions from the interior.<sup>15</sup> The province mobilised troops regularly between 1692 and 1713, both for punitive raids against Native Americans and for major ventures such as the failed imperial expedition against Quebec in 1711. Its annual expenditure rose from just under £10,000 Massachusetts currency in 1702 to about £30,000 during the War of the Spanish Succession between 1702 and 1713, and hit around £50,000 per year in 1710 and 1712 as the province fitted out its forces for the attack on Quebec.<sup>16</sup> The problems of raising taxes for military expenditure meant that Massachusetts developed a system of paper currency that permitted it to bridge gaps in income and expenditure, amounting to a 'financial revolution' similar in scope, if not in scale, with the financial revolution in Britain.<sup>17</sup> As warfare resumed with the War of Jenkin's Ear in 1739 the province once again raised men for expeditions against Carthagenia in 1741 and Louisburg in 1746. Annual expenditures had grown in the interim to about £30,000 or £40,000 per year in the 1730s, but doubled in the 1740s, and the financial system of the

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<sup>15</sup> Bruce Lenman, *Britain's colonial wars, 1688-1783* (Harlow, England, 2001) pp. 18-27, 35-40, 72, 135-49.

For the fraught experience of one such 'outpost' between 1665 and 1715, see Richard I. Melvoin, *New England outpost: war and society in colonial Deerfield* (New York, 1989)

<sup>16</sup> Alvin Rabushka, *Taxation in colonial America* (Princeton, 2008) pp. 374-81. All figures for colonial taxation and spending are given in the relevant colonial currency, rather than pound sterling.

<sup>17</sup> For an overview of public credit in Massachusetts, see Julian Gwyn, 'Financial Revolution in Massachusetts: public credit and taxation, 1692-1774', *Histoire Sociale/Social History*, 17 (1984) pp. 59-77; Rabushka, *Taxation* pp. 357-74, 454-9, 575-82; Leslie V. Brock, *The currency of the American colonies, 1700-1764: a study in colonial finance and imperial relations* (New York, 1975) pp. 21-35, 244-91

province became even more complex as one set of paper notes was withdrawn and others substituted in their place.<sup>18</sup> For the Seven Years War the province mobilised several thousand men and approved expenditures to a total of nearly £250,000 in 1761 in support of imperial aims.<sup>19</sup> The pressure of warfare therefore placed intermittent but heavy and disruptive strains on the politics, society and economy of Massachusetts between 1692 and 1775.

These strains could be met mainly through legislation by the General Court of the province, which had successfully asserted the right to approve supplies and to organise its military. The province passed on average about 18 acts per year during the 1720s and 1730s, but to meet the complex demands of warfare and taxation it needed nearly 25 acts per year during the 1740s and about 35 per year during the 1750s (Figure 3). During the Seven Years War, which began in America late in 1754 and did not end until the conclusion of Pontiac's Rebellion in October 1764, the total rose to almost 38 acts per year, and then fell after the war ended to 27 acts per year between 1765 and 1775. Output was bolstered by successive votes of taxation and repeated measures for raising men, and by a range of miscellaneous acts intended to address issues raised by the conflict, such as the regulation of trade with neutral or hostile territories, the conduct of imperial troops, and the construction of barracks, roads and other military works. William Pencak has concluded that from 1740 'a legislature primarily concerned with obstructing Britain's plans to strengthen royal authority and with resolving disputes presented by towns and individuals became an active body which designed

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<sup>18</sup> Rabushka, *Taxation* pp. 466-70

<sup>19</sup> Rabushka, *Taxation* pp. 590-8

and implemented vast military campaigns.<sup>20</sup> The connection between military demands and the increased output of legislation was provided by the rise of the ‘prerogative party’ in the assembly between 1740 and 1765.<sup>21</sup> Composed mainly of Boston mercantile elites, it collaborated with governors to get wartime measures enacted in return for imperial support, but fell apart after 1765 once the benefits of this collaboration had passed. A sense of the growing importance of provincial legislation within the province is found in the estimated turnout of voters at Boston elections, which rose from about 17 per cent between 1692 and 1750 to 25 per cent between 1750 and 1775, peaking at nearly 50 per cent in 1763.<sup>22</sup>

**[Insert Figure 3 here]**

It will also be clear that a ratchet effect existed, with legislative output after 1749 or 1764 declining but not falling back to pre-war levels. This reflected, firstly, the intrusion of war-time issues into peace-time politics, such as the paper currency of the province, which had been detached from its specie footing during the 1740s and had become devalued through over-issue. A heated internal controversy took place between 1749 and 1753 over whether it should be restored to its specie peg and at what rate, merging with existing disputes over the liquidation of the land bank that had been banned by imperial legislation in 1740, resulting in

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<sup>20</sup> William Pencak, 'Warfare and political change in mid-eighteenth century Massachusetts', *Journal of Imperial and Commonwealth History*, 8 (1980) p. 52.

<sup>21</sup> Pencak, 'Warfare and political change', pp. 51-73; Marc Egnal, *A mighty empire: the origins of the American Revolution* (Ithaca, NY, 2010) pp. 20-50

<sup>22</sup> Robert J. Dinkin, *Voting in provincial America : a study of elections in the thirteen colonies, 1689-1776* (Westport, Conn.; London, 1977) p. 174. I have omitted years where two figures are given.

a series of legislative acts as various factions weighed in.<sup>23</sup> The second reason for the ratchet effect has been suggested by Julian Hoppit in his study of British legislation. Once warfare created the need for regular and reliable sessions and familiarised members of the legislature with the process of making law, and the powers it offered, the result in Britain was that other interest groups could begin to envisage using these powers for their own ends.<sup>24</sup> Although the proof of this phenomenon in Massachusetts must await a detailed study of its individual legislative programme, even a selective examination of individual years suggests that by 1775 the legislature had become more than an instrument of warfare. For instance, the peak year for legislation occurred in 1773, when 52 acts were passed, exceeding the previous peak of 51 in 1762. Sixteen acts in 1762 or about a third related to taxation or public finance, reflecting wartime circumstances, but in 1773 the number fell to seven or just under half that total. The other acts addressed a range of other issues in the colony, some relatively minor, such as the act ‘for granting two strips or pieces of the province land lying on the west side of Governor’s Alley, so-called, in Boston, towards widening said alley’.<sup>25</sup> The experience of wartime legislation therefore created the conditions for an expansion of provincial legislative output.

The experience of Virginia in this period suggests a similar process. Numbering just under 500,000 people in 1775 compared to roughly 300,000 in Massachusetts and Pennsylvania, the province faced a different set of military challenges, and so its own legislative development diverged from that of Massachusetts, but in predictable ways. Whereas Massachusetts acted

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<sup>23</sup> William Pencak, *War, politics and revolution in provincial Massachusetts* (Boston, 1981) pp. 129-33;

Andrew Mcfarland Davis, 'Legislation and litigation connected with the Land Bank of 1740', *Proceedings of the American Antiquarian Society*, XI (1896) pp. 86-123; Brock, *Currency* pp. 53-65

<sup>24</sup> Hoppit, 'Patterns', pp. 113-14, 121-3

<sup>25</sup> 12 Geo III c. 28

as the northern breastwork and bulwark for all the American colonies, Virginia faced no serious military threat between the defeat of Bacon's Rebellion in 1676 and the Seven Years War in 1754, and as a result faced much less military pressure. Colonial taxation therefore remained low, about £4,000 or £5,000 per year, and did not rise substantially even during the period of warfare in the 1740s.<sup>26</sup> The province therefore did not experience the need for repeated votes of taxation and regular refinement of its revenue structures, and likewise avoided the need to develop a system of public finance. Finally, because the colony made only limited contributions of troops to the imperial expedition to Cartagena in 1740, it had no need to address the issues of recruitment and mobilisation that emerged in Massachusetts and required further legislative solutions.<sup>27</sup> Output thus rose briefly during the War of the Austrian Succession from an average of 10 acts per year to 18 acts but then fell back to about 15 acts per year between 1749 and 1754 (Figure 3). Its output therefore remained low relative to its population. Whereas Massachusetts kept its ratio at one act per 6,000 heads of population between 1700 and 1760, in Virginia it was rarely below one act per 8,000 heads in the early eighteenth century, and had risen to about 12,000 heads by 1740 or 1750 (Figure 4).

Consequently the rate of legislative output only increased substantially with the outbreak of the Seven Years War in 1754, which was triggered in part by a clash in the Ohio Valley earlier that year between a small party of the Virginia militia under George Washington and a group of Frenchmen and Native Americans. Under a series of royal governors who allied with the expansionist colonial elites, the province laid out large amounts of money in

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<sup>26</sup> Rabushka, *Taxation* pp. 421-7, 532-7, 665-78; Brock, *Currency* p. 106

<sup>27</sup> James Titus, *The Old Dominion at war: society, politics, and warfare in late colonial Virginia* (Columbia, SC, 1991) pp. 1-5

supporting imperial forces and its own colonial contingents.<sup>28</sup> Alvin Rabushka has argued that from 1754 ‘the fiscal landscape underwent a dramatic change’ and estimates that taxes rose from about £5,000 per year to £34,000 to £39,000 between 1758 and 1762, and the assembly also put into circulation nearly £440,000 in Treasury notes or public debt, which then had to be slowly retired between 1763 and 1769 with further taxation.<sup>29</sup> Between 1756 and 1762 the assembly also kept on foot a colonial regiment of 600 to 800 men, which posed unforeseen challenges to Virginia’s antiquated militia laws and required a series of contentious acts before an acceptable system of recruitment and enlistment could emerge.<sup>30</sup> These demands were each met by a predictable upsurge in legislation. Although the assembly had only passed 15 acts a year in the five years before the outbreak of war, it passed an average of 27 acts between 1755 and 1764. Even this was not sufficient to overcome the continued growth in population, and the ratio of legislation to population remained at one act per 12,000 heads or more in 1760 and 1770, but clearly the demands of warfare were nevertheless sufficient to trigger a marked rise in the legislative output of the province.

**[Insert Figure 4 here]**

As in Massachusetts, this first experience of wartime legislation between 1754 and 1764 also seems to have been sufficient to arouse the enthusiasm of Virginia’s planters, and to promote a wave of law-making which actually saw the average number of acts increase from 27 to 33 per year between 1769 and 1775. A similar test of two years shows the same pattern as in Massachusetts. Some 54 acts were passed in 1762 and ten or nearly 20 per cent related to the

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<sup>28</sup> For the political context of the 1750s, see Egnal, *Mighty empire* pp. 87-101; Robert Cain, ‘Governor Robert Dinwiddie and the Virginia frontier, 1751-57’, in Andrew Mackillop and Steve Murdoch (eds.), *Military governors and imperial frontiers c 1600-1800: a study of Scotland and empires* (Leiden, 2003) pp. 161-80

<sup>29</sup> Rabushka, *Taxation* pp. 673-8, 827-9, 835-42; Brock, *Currency* pp. 466-96

<sup>30</sup> Titus, *Old Dominion*, esp. pp. 28-45, 142-8

ongoing war, but though an unprecedented 89 acts were passed in 1772 only four, a mere five per cent, were fiscal or military in nature. The others were concerned with relatively minor public or private business, suggesting that output continued to grow after 1764 because planters were now ready to take advantage of the powers of the assembly. Admittedly this was not reflected by higher turnout in elections for the assembly, though the incomplete nature of the surviving lists means that this figure may be misleading.<sup>31</sup> However, the rise in legislation was mirrored by the increase in petitions to the house of assembly, growing from about 100 per year between 1700 and 1740 to about 220 per year between 1750 and 1770 and reaching a peak of 255 in 1760.<sup>32</sup> The average number of petitions per legislative enactment rose from 14.3 petitions per act in 1700 to 19.7 in 1720, but then fell from 11.6 per act in 1750 to 6.5 per act in 1770. In other words, between 1720 and 1770 the chances that a petition would become law halved and then halved again, even though there were at least twice as many per year after 1750 as before.<sup>33</sup> Though there had obviously been a growing demand for legislative redress in 1750, before the Seven Years War, it clearly took the pressure of warfare to unblock this legislative logjam, and to enable or encourage the assembly of Virginia to begin to answer these demands.

The final case study of legislative change comes from Jamaica, the largest and richest island in the British West Indies and an economic and strategic redoubt in the western Caribbean. Captured from Spain in 1656, it served as an entrepôt for the illegal trade with Spanish

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<sup>31</sup> Dinkin, *Voting in provincial America : a study of elections in the thirteen colonies, 1689-1776* pp. 146-50

<sup>32</sup> Raymond C. Bailey, *Popular influence upon public policy: petitioning in eighteenth-century Virginia* (Westport, CN, 1979) p. 62. For a more focussed study that broadly supports these conclusions, see Paul K. Longmore, 'From supplicants to constituents: petitioning by Virginia parishioners, 1701-1775', *Virginia Magazine of History and Biography*, 103 (1995) pp. 407-442

<sup>33</sup> Bailey, *Popular influence* p. 64

America and a base for privateering, and from 1700 as a major site for the production of sugar.<sup>34</sup> Its population increased from about 40,000 in 1692 to just under 200,000 by 1770, and around 300,000 by 1800. The volume of legislation likewise increased, from about 8 acts per year in 1700 to 16 acts in 1760, and 32 acts per year in 1790 (Figure 3). The ratio of legislation to population fluctuated considerably, but between 1730 and 1770 it was somewhere between Massachusetts and Virginia, about one act per 8,000 to 11,000 heads of population (Figure 4). The ratio then fell between 1780 and 1800 to about one act per 9,000 heads of population, despite the continued increase in population. This was broadly in line with other West Indian islands in this period such as Antigua, Grenada, St Kitts and St Vincent, but the scale and timing of these fluctuations demonstrates that population and legislation did not increase in step. It was instead an uneven process that took place largely in fits and starts, and mainly in response to the specific military needs of the colony.

Whereas Massachusetts faced repeated external threats between 1692 and 1775, which only reached Virginia after 1754, the threats that the island of Jamaica faced were primarily internal. Between 1730 and 1739 the planters of the island fought an extensive and long-running guerrilla war with runaway slaves or ‘maroons’ in the interior, which tripled taxes to about £30,000 or £40,000 currency per year and made it necessary to develop new military measures. The house of assembly passed about six acts per year on average between 1714 and 1729, but this doubled in the 1730s, led by the need to raise new taxes, allocate land for barracks and fortifications, and authorise the fitting out of raiding parties for deployment

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<sup>34</sup> Richard S. Dunn, *Sugar and slaves: the rise of the planter class in the English West Indies, 1624-1713* (Chapel Hill, NC, 1972) pp. 149-87

against the maroons.<sup>35</sup> A peace treaty was concluded with the maroons in 1739 which left an administrative residue, such as a standing garrison and a system of superintendents in the maroon towns which required legislative oversight, and the output of the assembly rose even further during the War of the Austrian Succession when the island hosted a naval squadron and acted as a jumping-off point for imperial expeditions to Spanish America.<sup>36</sup> Taxes rose to about £50,000 per year up to 1749, and legislation to 14 acts on average, and although taxes fell back briefly to £40,000 a year the legislative output continued slowly to increase. The transformative event was not the start of the Seven Years War in 1754, which initially did not much affect the West Indies, but a major slave revolt in 1760 known as Tacky's Revolt.<sup>37</sup> Taxation hit £80,000 in 1761, the imperial garrison was reinforced, the colonial militia and maroon parties were called out, and the average annual number of acts jumped from about 15 to 20 between 1760 and 1764. Sharp increases in legislation were therefore closely correlated with the emergence of internal military threats, creating a demand for legislation that, as in Virginia, cleared the way for further law-making once the crisis had passed.

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<sup>35</sup> Michael Craton, *Testing the chains: resistance to slavery in the British West Indies* (Ithaca, NY, 1982) pp. 67-97; Mavis C. Campbell, *The Maroons of Jamaica, 1655-1796: a history of resistance, collaboration and betrayal* (Granby, MA, 1988) pp. 44-87; Frederick G. Spurdle, *Early West Indian government: showing the progress of government in Barbados, Jamaica and the Leeward Islands, 1660-1783* (Palmerston North, New Zealand, 1962) pp. 127-37. All figures for Jamaican taxation and spending are taken from Aaron Graham, 'The colonial sinews of imperial power: the political economy of Jamaican taxation, 1768-1838', *Journal of Imperial and Commonwealth History*, 45 (2017) pp. 192-99

<sup>36</sup> Richard Pares, *War and trade in the West Indies, 1739-1763* (London, 1963) pp. 227-64, 495-511; Duncan Crewe, *Yellow Jack and the worm: British naval administration in the West Indies, 1739-1748* (Liverpool, 1993) pp. 12-51, 145-232; Douglas Hamilton, 'Private enterprise and public service: naval contracting in the Caribbean, 1720-50', *Journal for Maritime Research*, 6 (2004) pp. 37-64

<sup>37</sup> Craton, *Testing the chains* pp. 125-39; Graham, 'Colonial sinews', pp. 192-9

This pattern is seen even more clearly in the subsequent pattern of legislation in Jamaica from 1764 to 1800, when the island faced an unprecedented combination of both internal and external threats that required the far more intensive mobilisation and organisation of its resources than ever before. The American Revolutionary War between 1775 and 1783 cut off supplies of provisions to Jamaica and raised fears that an increasingly discontented slave population would once again rise against the planters, while the string of French and Spanish conquests of the British possessions in the West Indies after 1778 generated a growing terror of invasion that would not fully abate until the decisive victory of George Brydges Rodney over the Comte de Grasse and the French fleet at the Battle of the Saints in April 1782.<sup>38</sup> Aaron Graham has shown that the expenditure in the island doubled to £80,000 after 1775, then doubled again to more than £140,000 in 1780, and reached around £240,000 in 1782 as the French fleet under de Grasse neared the island. Planters and merchants in Jamaica were therefore taxing themselves as never before, and this was reflected, as in Massachusetts and Virginia, by an increase in legislative output from about 20 acts per year before 1775 to more than 30 acts on average in wartime. Legislative output stabilised once again at this higher level during the brief period of peace that followed, then resumed its rise after the traumatic events of the Haitian Revolution in nearby St Domingue in 1791, the outbreak of war with Revolutionary France in 1793, and a second conflict with the maroons in 1795 and 1796 that laid waste to large parts of the island.<sup>39</sup> The island raised nearly £400,000 currency per year after 1796, about five or six percent of its national income, and was forced to develop a

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<sup>38</sup> Andrew O'Shaughnessy, *An empire divided: the American Revolution and the British Caribbean* (Philadelphia, 2000) pp. 167-81, 196-200; Craton, *Testing the chains* pp. 172-9; George Metcalf, *Royal government and political conflict in Jamaica, 1729-1783* (London, 1965) pp. 199-217

<sup>39</sup> Craton, *Testing the chains* pp. 211-23; Campbell, *Maroons* pp. 210-49

system of public finance to support far greater expenditures.<sup>40</sup> Legislative output rose to an average of 35 acts per year. The expansion of legislation in Jamaica was therefore an intermittent process which did not occur smoothly and in step with its increasing population, but largely in response to its growing military and financial pressures.

Finally, the experiences of all three colonies broadly mirror that of Ireland in this era.

Though heavily garrisoned to preserve the Protestant Ascendancy from the Catholic Irish, the absence of open warfare meant that revenue in Ireland only gradually rose from about £400,000 per year in 1692 to £1.2 million in 1782.<sup>41</sup> This matched the slow increase in legislation noted above from about 10 per year in the early eighteenth century to 20 per year in the 1770s, the continued but relatively subdued expansion in the fiscal-military establishment of the island, and the small scale of public debt.<sup>42</sup> Legislative output then rose to about 50 acts per year in the 1780s and 60 acts per year in the 1790s after the repeal of Poyning's Law, but these broader statistics conceal a more suggestive yearly pattern. Output peaked at 75 acts in 1785 but had fallen to 26 by 1794, while revenues increased only from £1.2 million to £1.6 million in the same period. In other words, the relaxation of military pressure after 1782 eventually led to a fall in legislation once the immediate demand from private individuals and interest groups had passed. However, from 1794 the island began to seem at increasing risk of invasion and revolution from external enemies such as Revolutionary France and internal opponents such as the United Irishmen, culminating in the

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<sup>40</sup> Graham, 'Colonial sinews', pp. 197-202

<sup>41</sup> McGrath, *Ireland and empire* pp. 167-80. Revenue figures are taken from 'Public revenues and expenditures of Ireland in the 18th century' at *Duanaire: a treasury of digital data for Irish economic history* [[http://www.duanaire.ie/dbases/public\\_finances\\_18\\_century/index.php](http://www.duanaire.ie/dbases/public_finances_18_century/index.php), consulted 10 October 2017]

<sup>42</sup> McGrath, *Ireland and empire* pp. 69-142, 181-96

Irish Rebellion of 1798 and the first sustained military conflict within the island since 1691.<sup>43</sup> Revenues jumped from £1.6 million in 1794 to £2.5 million within four years and had reached £3.4 million by 1800, matched by an increase in legislation from the 26 acts passed in 1794 to 85 acts in 1798 and 110 acts in 1800. Although many factors were therefore operating on Irish legislative output in this period, not least the major constitutional change of 1782, warfare seems to have been among the most important of the secondary factors.

Despite differing patterns of legislative change, both in absolute terms and relative to their respective populations, the four largest and most complex colonial states of the British Atlantic in the eighteenth century therefore shared certain common features. All saw their own legislative output grow during this period, in broadly similar ways and for broadly similar reasons. None experienced a smooth and continuous rise but instead saw their output grow in fits and starts, and largely in response to the sudden demands placed upon their internal systems of taxation, public finance and military recruitment by warfare. The growth of a fiscal-military state in all four colonies was marked not by the increased sophistication or quality of the legislation – as Julian Hoppit has noted with reference to the British state, its expansion in the 1690s and 1700s ‘was not, in legislative terms, especially experimental or risky’ – but by its increased quantity.<sup>44</sup> Once this had given local elites some experience of passing higher volumes of acts, and some sense of the power of an individual piece of legislation, this seems to have encouraged individuals and interest groups within all four

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<sup>43</sup> For analytical narratives that draw attention to the growth of state power and revenue, see R.B. McDowell, *Ireland in the age of imperialism and revolution, 1760-1801* (Oxford, 1979) pp. 491-677; S. J. Connolly, *Divided kingdom: Ireland, 1630-1800* (Oxford, 2008) pp. 432-84. For a thematic survey of the Irish state in 1800, see R. B. McDowell, 'Ireland in 1800', in T.W. Moody and W.E. Vaughan (eds.), *A New History of Ireland, volume iv: Eighteenth Century Ireland, 1691-1800* (Oxford, 1986) pp. 695-711

<sup>44</sup> Hoppit, 'Patterns', p. 120

colonial societies to apply in greater numbers to their respective assemblies for legislative redress for economic and social problems. It should probably come as no surprise though that in a period when defence was one of the few unquestioned duties of national or colonial governments, and when wars were being fought increasingly intensively and over wider areas than ever before, that warfare should have proven such a potent and powerful driver of legislative change across the British Atlantic. The effects and impact of this change however, particularly in the period immediately before 1775, remain to be assessed.

-IV-

How far the growing legislative output of the British Atlantic and the varying ratios between legislation and population served to create the conditions for revolution in 1775 can best be judged not through detailed analysis of specific colonies, as has so often been the case in the past, but by a quantitative study that compares them against each other and considers their overall trends. If an increasing volume of colonial legislative output did indeed lay the foundations for independence, and greater popular familiarity with legislation encouraged people to consider seeking independence, then some reliable correlation would be expected between the scale of output, and its ratio to population, and the decisions made by specific colonies in 1775 to revolt or remain loyal. In particular, colonies in the West Indies which remained loyal would display a stable or declining level of legislative output relative to their population, and a high ratio of acts per head of population when compared to the average for the colonies in the British Atlantic. By the same token, rebel colonies in North America would be expected to show an increasing level of output and a lower ratio of acts per head of population compared with the average. Indeed, it might be predicted that the lowest ratio of

all would be found in Massachusetts, where the American Revolution began in 1775, and higher ratios in mainland colonies that demonstrated more reluctance and hesitation.<sup>45</sup>

Focussing on the experience of the colonies of the West Indies offers a certain degree of support for this idea. With the exception of Jamaica, considered below, most of the islands saw no real increase in their legislative output, and Barbados even saw a decline in the average number of acts from 8 to 10 in 1700 and 1720 to about 4 to 6 between 1730 and 1800 (Figure 1). As a result the ratio of legislation to population had risen to just under one act per 11,000 heads of population by 1750, more than most North American colonies, and even after 1770 it only fell to about one act per 8,000 heads (Figure 2). Planters in the West Indies were therefore in general less familiar with both the process of legislating and the powers of legislation in the years immediately before 1775, and Andrew O'Shaughnessy and others have shown that most of the islands also saw virtually no protests against major American grievances such as the Stamp Act of 1763 and the Sugar Act of 1764.<sup>46</sup> Where complaints were voiced in the Leeward Islands such as Antigua, this was due to American pressure rather than genuine opposition. Though there were prolonged and sometimes acrimonious clashes between imperial and colonial interests that persisted beyond 1783, these issues never escalated into open confrontation, and the islands therefore remained firmly under British control.<sup>47</sup> The exception that might prove the rule is the island of Jamaica, which saw an

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<sup>45</sup> Egnal, *Mighty empire* pp. 150-67, 275-301

<sup>46</sup> O'Shaughnessy, *An empire divided* pp. 65-9, 80-108, 127-8; Donna J. Spindel, 'The Stamp Act Crisis in the British West Indies', *Journal of American Studies*, 11 (1977) pp. 203-21; T.R. Clayton, 'Sophistry, security and socio-political structures in the American revolution, or, why Jamaica did not rebel', *Historical Journal*, 29 (1986) pp. 319-44

<sup>47</sup> Neville A.T. Hall, 'Governors and generals: the relationship of civil and military commands in Barbados, 1783-1815', *Caribbean Studies*, 10 (1971) pp. 93-112; Roger N. Buckley, *The British Army in the West Indies:*

increase in legislative output noted above that mirrored similar trends on the American continent, and was the Caribbean territory that showed the most sympathy for the American cause, even voting an address to the Crown in 1774 that condemned the intransigence shown by both sides and offered their services as a mediator to help resolve the disagreement.

**[Insert Figure 2 here]**

However, closer study suggests that the importance of this episode can be overstated and that Jamaica does not serve as a satisfactory proof of a universal rule. Metcalf, Brathwaite and O'Shaughnessy have all argued that the address of 1774 was itself a generally exceptional act, pushed through by a small and unrepresentative mercantile clique within the assembly only a few days before the session ended, and driven largely by internal Jamaican politics.<sup>48</sup> When the planters of the island reconvened at the next session the address was withdrawn and replaced by a loyal address that pledged the support of the island for imperial policy, and although there were further conflicts between local elites and the governor in 1779 these were the product of personal conflicts and were not indicative of a broader desire for independence among the population of the island.<sup>49</sup> In 1770 the ratio of legislation to population was at a high level of about 11,000 acts per head in Jamaica, but this was still well below the ratio in the rebellious mainland colonies such as Connecticut, Pennsylvania, Virginia and North Carolina, and half that of Barbados, which likewise showed no inclination to revolt. The ratio in the islands of Antigua, Grenada and Bermuda in 1770 was roughly one act per 5,000 heads, a ratio equalled in North America only by New Hampshire, New York and Georgia,

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*society and the military in the revolutionary age* (Gainesville, FL, 1998) pp. 173-202; O'Shaughnessy, *An empire divided* pp. 147-59, 181-96, 200-6

<sup>48</sup> Metcalf, *Royal government* pp. 186-90; O'Shaughnessy, *An empire divided* pp. 129-51; Kamau Brathwaite, *The development of Creole society in Jamaica, 1770-1820* (Oxford, 1971) pp. 68-72;

<sup>49</sup> Metcalf, *Royal government* pp. 207-8, 211-16; O'Shaughnessy, *An empire divided* pp. 182-205

but these islands showed no inclination to revolt (Table 1). The legislative record of the colonies of the West Indies was therefore mixed, and although some suggestive trends can be identified, these break down when analysed at the level of individual colonies. The reasons why the West Indies remained loyal therefore did not reflect their experience of legislation, which largely mirrored that of North America, but must have lain instead in the factors identified by O'Shaughnessy and others, such as their urgent need for imperial protection against slave revolts, a more favourable mercantilist policy, and a greater sense of identification with the metropole.

By the same token, the high degree of variation within the rebellious colonies likewise makes it difficult to identify a close correlation between their legislative experience and the decision to revolt in 1775. Although Massachusetts and New Hampshire experienced a considerable upsurge in legislation during the 1740s and then again during the Seven Years War, output remained stable in Connecticut despite its substantial contribution to war, and as population expanded the ratio grew steadily from one act per 4,000 heads in 1710 to one per 17,000 heads in 1770.<sup>50</sup> New England accounted for roughly 18.7 percent of the population of the British Atlantic across the period between 1692 and 1775, but only about 20.8 per cent of total acts, suggesting that even the very heartland of the Revolution was not distinguished by a disproportionately high level of legislating. The mid-Atlantic colonies had the lowest overall ratio across the period, with 15.4 percent of the population and 19.1 percent of the legislation, equivalent to one act per 5,344 heads compared to 5,942 heads in New England,

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<sup>50</sup> For the politics and administration of warfare and taxation in Connecticut, see Richard Lyman Bushman, *From Puritan to Yankee. Character and the social order in Connecticut, 1690-1765* (Cambridge, Mass., 1967) pp. 235-88; Harold E. Selesky, *War and society in colonial Connecticut* (New Haven; London, 1990); Rabushka, *Taxation* pp. 380-7, 474-7, 601-9, 779-84

but even here there were variations. The colony of Pennsylvania was one of the leading actors in the revolt in 1775, but prolonged conflicts in its assembly between the Quaker and Proprietary parties meant that between 1740 and 1770 it actually had one of the highest ratios of population to legislation, peaking at one act per 31,941 heads in 1750.<sup>51</sup> Though the number of acts had grown from 4 acts per year in 1750 to 18 by 1770, the population had risen even faster, so the ratio only halved to 13,190 heads per act. Finally, the Southern colonies accounted for 30 percent of both population and legislation, and demonstrated a very similar degree of variation, with both South Carolina and Virginia showing a very high ratio between population and legislation by 1770 but each taking leading roles in the revolution.<sup>52</sup> Once again, although suggestive points of difference can be identified between the colonies of North America and those of the West Indies, the high degree of variation within these totals and the lack of any correlation between legislation and revolution makes it impossible to suggest that the one had a direct impact upon the other.

-V-

Between 1682 and 1800 the British Atlantic therefore saw a profound shift in the output of colonial legislation. Despite a great deal of variation within individual colonies, and continued population growth, the total amount of colonial legislation grew very slowly from about 120 acts per year on average in 1692 to about 150 acts per year in 1750. The Seven Years War between 1754 and 1764 triggered profound changes, by virtue of its

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<sup>51</sup> For politics in Pennsylvania, see Theodore Thayer, *Pennsylvania politics and the growth of democracy, 1740-1776* (Harrisburg, PA, 1953); James H. Hutson, *Pennsylvania politics, 1746-1770: the movement for royal government and its consequences* (Princeton, NJ, 1972); Alan Tully, *William Penn's legacy: politics and social structure in provincial Pennsylvania, 1726-1755* (Baltimore, 1977); Egnal, *Mighty empire* pp. 68-86, 191-214

<sup>52</sup> Egnal, *Mighty empire* pp. 215-26, 302-37

unprecedented scale and scope. Within ten years about 250 acts were passed each year on average, and this remained the case into the 1770s. Ratios of acts to population therefore increased relatively consistently between 1692 and 1750 as population outpaced legislation, peaking at about one act per 9,000 heads of population in 1750. Though legislation then began to increase, the continued rise in population meant that the ratio did not decline much. If colonists in North America were indeed inspired by the experience of legislation to take the process into their own hands, or frustrated at not receiving enough colonial legislation to meet their needs, these feelings took at least 25 years to manifest themselves. Moreover, individual colonies experienced wildly varying legislative trajectories, both in absolute terms and relative to their size of population, and their distribution cannot be satisfactorily mapped onto patterns of allegiance in 1775. The example of Massachusetts suggests a close correlation between legislation and revolution, for example, with expanding legislative output and a low ratio of legislation to population, but ratios were much higher in Virginia, which likewise entered the revolt, while Jamaica saw similar levels of legislative growth and a lower ratio to population than Virginia, but remained loyal when put to the test in 1775.

The main importance of this study therefore lies, firstly, in the quantitative backing it offers to wider work by Jack Greene, Peter Marshall and others stressing the similarities and commonalities between the colonies of the British Atlantic world before 1775, not just ideologically or politically but also now clearly in legislative terms. Colonists in the West Indies differed only very minutely from their counterparts in North America in how they used legislation, at first to respond to the pressures of war and then to address other political, social and economic problems within their territories. This challenges the view that the Thirteen Colonies were on an alternative path by 1775, and reinforces the arguments of Greene, Marshall, Trevor Burnard and others that the American Revolution was not inevitable, and

the product of short-term events on both sides of the Atlantic rather than the culmination of an extended historical process. Secondly, this study complements and extends recent work on the political factors underlying the expansion of the fiscal-military state in Britain and its imperial territories. The colonial legislatures are revealed as important partners in the business of empire, passing local laws to provide men, money and material. This should help support a recent turn away from the study of fiscal and military administrative structures as isolated bureaucratic systems and towards an understanding of their embeddedness within imperial and colonial politics and societies. As Graham has argued, governors in Jamaica had mainly ‘to persuade local elites to use whatever means they had at their disposal to support the aims of imperial policy ... [and] draw on local political and economic structures to put this support into practice’, and the same has been shown to be true in Massachusetts and Virginia.<sup>53</sup> Politics and legislation thus provided the ligatures and ligaments that connected the fiscal-military state with the public interest across the entire British Atlantic.

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<sup>53</sup> Graham, 'Colonial sinews', p. 203

**Table 1: Legislation and population in the British Atlantic, 1692-1800, by decade**

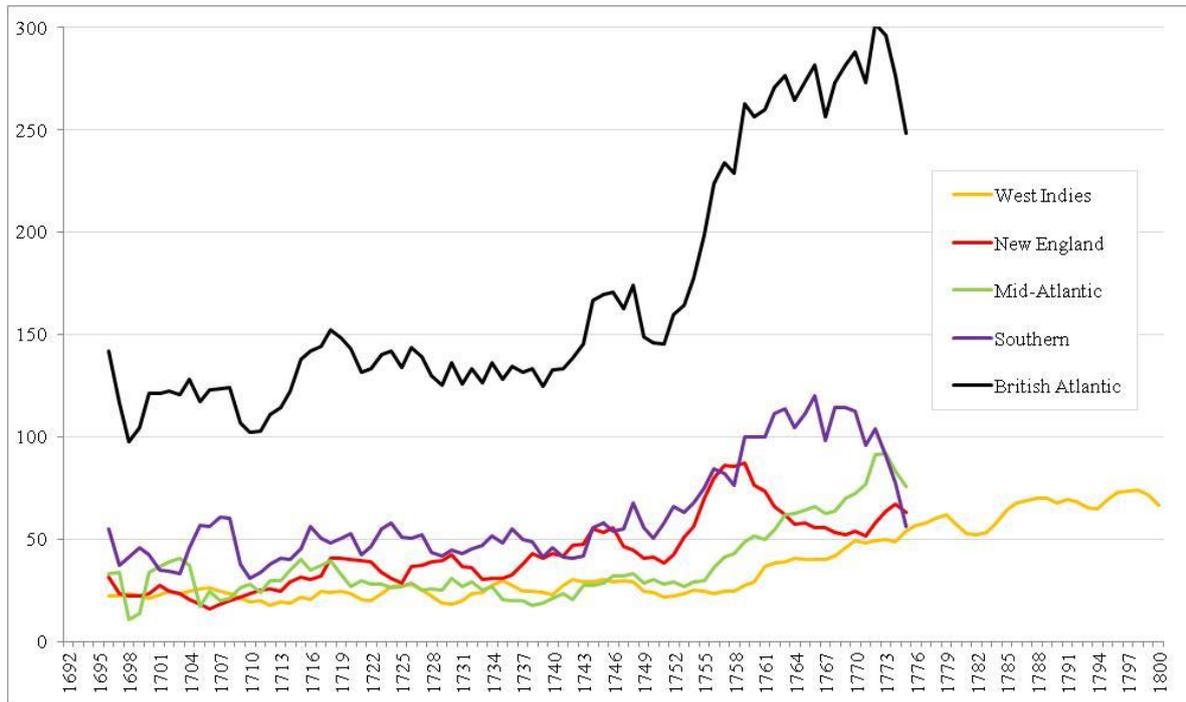
<b>Colony</b>	<b>1690</b>	<b>Acts</b>	<b>Pop.</b>	<b>1700</b>	<b>Acts</b>	<b>Pop.</b>	<b>1710</b>	<b>Acts</b>	<b>Pop.</b>	<b>1720</b>	<b>Acts</b>	<b>Pop.</b>
<b>Barbados</b>	<b>7,907</b>	8.6	68,000	<b>5,238</b>	10.5	55,000	<b>6,757</b>	9.6	64,865	<b>7,022</b>	8.9	62,500
<b>Jamaica</b>	<b>15,417</b>	2.4	37,000	<b>8,525</b>	6.1	52,000	<b>10,484</b>	6.2	65,000	<b>12,809</b>	6.8	87,100
<b>Antigua</b>	<b>6,667</b>	1.8	12,000	<b>3,523</b>	4.5	15,852	<b>22,646</b>	0.7	15,852	<b>6,172</b>	3.7	22,838
<b>St Kitts</b>	-	-	-	-	-	5,000	<b>955</b>	5.2	4,964	<b>2,153</b>	4.6	9,904
<b>Nevis</b>												
<b>Montserrat</b>												
<b>Grenada</b>												
<b>Dominica</b>												
<b>Tobago</b>												
<b>St Vincent</b>												
<b>Bahamas</b>												
<b>Bermuda</b>	<b>226</b>	13.3	3,000	<b>1,739</b>	2.3	4,000	<b>3,571</b>	1	5,000	<b>3,750</b>	1.6	6,000
<b>New Hampshire</b>	<b>781</b>	5.3	4,164	<b>1,983</b>	2.5	4,958	<b>800</b>	7.1	5,681	<b>997</b>	9.4	9,375
<b>Massachusetts</b>	<b>1,611</b>	35.3	56,928	<b>2,976</b>	18.8	55,941	<b>6,709</b>	9.3	62,390	<b>5,871</b>	15.5	91,008
<b>Rhode Island</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Connecticut</b>	-	-	-	-	-	25,970	<b>3,985</b>	9.9	39,450	<b>5,447</b>	10.8	58,830
<b>New York</b>	<b>1,325</b>	10.5	13,909	<b>1,676</b>	11.4	19,107	<b>1,265</b>	17.1	21,625	<b>2,134</b>	17.3	36,919
<b>New Jersey</b>	-	-	8,000	<b>3,113</b>	4.5	14,010	<b>3,011</b>	6.6	19,872	<b>7,455</b>	4.0	29,818
<b>Pennsylvania</b>	<b>758</b>	15.1	11,450	<b>1,264</b>	14.2	17,950	<b>2,876</b>	8.5	24,450	<b>3,776</b>	8.2	30,962
<b>Maryland</b>	<b>1,741</b>	13.8	24,024	<b>1,105</b>	26.8	29,604	<b>2,544</b>	16.8	42,741	<b>2,710</b>	24.4	66,133
<b>Virginia</b>	<b>10,681</b>	5.0	53,406	<b>9,600</b>	6.1	58,560	<b>7,600</b>	10.3	78,281	<b>9,958</b>	5.8	57,757
<b>North Carolina</b>	-	-	-	-	-	-	-	-	-	<b>2,263</b>	9.4	21,270
<b>South Carolina</b>	<b>1,237</b>	9.3	11,500	<b>1,263</b>	13.0	16,424	<b>2,185</b>	11.9	26,003	<b>1,107</b>	15.4	17,048
<b>Georgia</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>New England</b>	<b>2,035</b>	40.7	82,737	<b>4,078</b>	21.3	86,869	<b>4,088</b>	26.3	107,521	<b>4,460</b>	35.7	159,213
<b>Mid-Atlantic</b>	<b>1,303</b>	25.6	33,359	<b>1,697</b>	30.1	51,067	<b>2,048</b>	32.2	65,947	<b>3,312</b>	29.5	97,699
<b>Southern</b>	<b>3,165</b>	28.1	88,930	<b>2,279</b>	45.9	104,588	<b>3,770</b>	39.0	147,025	<b>2,949</b>	55.0	162,208
<b>West Indies</b>	<b>4,598</b>	26.1	120,000	<b>5,635</b>	23.4	131,852	<b>6,739</b>	23.1	155,681	<b>7,357</b>	25.6	188,342
<b>Total</b>	<b>2,698</b>	120.5	325,026	<b>3,102</b>	120.7	374,376	<b>3,948</b>	120.6	476,174	<b>4,166</b>	145.8	607,462

Colony	1730	Acts	Pop.	1740	Acts	Pop.	1750	Acts	Pop.	1760	Acts	Pop.
Barbados	12,750	4.9	62,475	11,323	5.5	62,277	18,270	4.7	85,870	24,279	4.3	104,400
Jamaica	8,742	9.5	83,048	9,110	12.0	109,319	8,037	16.3	131,000	10,759	17.0	182,900
Antigua	19,038	1.5	28,557	24,177	1.3	31,430	24,091	1.1	26,500	7,245	5.3	38,400
St Kitts	5,564	3.3	18,360	4,878	4.1	20,000	9,167	2.4	22,000	7,545	3.3	24,900
Nevis												
Montserrat												
Grenada												13,700
Dominica												
Tobago												
St Vincent												6,200
Bahamas												
Bermuda	2,000	3.8	7,601	2,222	3.6	8,000	30,000	0.30	9,000	2,341	4.1	9,600
New Hampshire	2,561	4.2	10,755	2,528	9.2	23,256	5,501	5.0	27,505	2,962	13.2	39,093
Massachusetts	6,236	18.3	200,041	6,016	25.2	151,613	7,373	25.5	188,000	5,873	37.9	222,600
Rhode Island				-	-	-	-	-	-	-	-	-
Connecticut	6,042	12.5	75,530	6,636	13.5	89,580	12,364	9.0	111,280	13,315	10.7	142,470
New York	2,963	16.4	48,594	3,979	16.0	63,665	4,214	18.2	76,696	3,866	30.3	117,138
New Jersey	9,149	4.1	37,510	12,232	4.2	51,373	10,817	6.6	71,393	6,848	13.7	93,813
Pennsylvania	8,618	6.0	51,707	32,937	2.6	85,637	31,491	3.8	119,666	15,974	11.5	183,703
Maryland	4,258	21.4	91,113	8,006	14.5	116,093	6,270	22.5	141,073	6,123	26.5	162,267
Virginia	8,702	13.1	114,000	12,444	14.5	180,440	12,835	18.0	231,033	12,399	27.4	339,726
North Carolina	11,111	2.7	30,000	8,627	6.0	51,760	7,447	9.8	72,984	5,043	21.9	110,442
South Carolina	3,125	9.6	30,000	3,358	13.4	45,000	5,766	11.1	64,000	4,849	19.4	94,074
Georgia	-	-	-	-	-	2,021	-	-	5,200	1,388	6.9	9,578
New England	5,726	35.0	200,401	5,521	47.9	264,449	8,273	39.5	326,785	6,540	61.8	404,163
Mid-Atlantic	5,200	26.5	137,811	8,802	22.8	200,675	9,362	28.6	267,755	7,111	55.5	394,654
Southern	5,665	46.8	265,113	8,168	48.4	395,314	8,376	61.4	514,290	7,014	102.1	716,087
West Indies	8,697	23.0	200,041	8,718	26.5	231,026	11,063	24.8	274,370	11,179	34.0	380,100
<b>Total</b>	<b>6,119</b>	<b>131.3</b>	<b>803,366</b>	<b>7,496</b>	<b>145.6</b>	<b>1,091,464</b>	<b>8,964</b>	<b>154.3</b>	<b>1,383,200</b>	<b>7,478</b>	<b>253.4</b>	<b>1,895,004</b>

Colony	1770	Acts	Pop.	1780	Acts	Pop	1790	Acts	Pop	1800	Acts	Pop
Barbados	<b>22,750</b>	4.8	109,200	<b>22,568</b>	4.4	99,300	<b>17,961</b>	5.1	91,600	<b>14,516</b>	6.2	90,000
Jamaica	<b>11,258</b>	19.0	213,900	<b>8,289</b>	31.5	261,100	<b>9,511</b>	30.9	293,900	<b>9,192</b>	35.9	330,000
Antigua	<b>4,871</b>	8.5	41,400	<b>5,826</b>	6.9	40,200	<b>7,042</b>	7.1	50,000	<b>6,098</b>	8.2	50,000
St Kitts	<b>9,107</b>	2.8	25,500	<b>6,357</b>	4.2	26,700	<b>9,182</b>	3.3	30,300	-	-	30,000
Nevis												
Montserrat												
Grenada	<b>4,696</b>	5.6	26,300	<b>3,396</b>	9.6	32,600	<b>3,684</b>	7.6	28,000	<b>6,977</b>	4.3	30,000
Dominica												
Tobago	<b>723</b>	4.7	3,400	<b>4,267</b>	3.0	12,800			15,900	<b>2,162</b>	7.4	16,000
St Vincent	<b>5,722</b>	1.8	10,300	<b>13,400</b>	1.0	13,400	<b>8,800</b>	1.5	13,200	<b>7,368</b>	1.9	14,000
Bahamas												
Bermuda	<b>4,762</b>	2.1	10,000	<b>1,389</b>	7.2	10,000	<b>1,019</b>	10.4	10,600	<b>1,667</b>	6.0	10,000
New Hampshire	<b>4,078</b>	15.3	62,396									
Massachusetts	<b>9,980</b>	26.7	266,765									
Rhode Island	-	-	-									
Connecticut	<b>17,026</b>	10.8	183,881									
New York	<b>4,053</b>	40.2	162,920									
New Jersey	<b>5,362</b>	21.9	117,431									
Pennsylvania	<b>13,190</b>	18.2	240,057									
Maryland	<b>8,236</b>	24.6	202,599									
Virginia	<b>13,464</b>	33.2	447,016									
North Carolina	<b>9,046</b>	21.8	197,200									
South Carolina	<b>16,790</b>	7.4	124,244									
Georgia	<b>1,151</b>	20.3	23,375									
New England	<b>9,711</b>	52.8	513,042									
Mid-Atlantic	<b>6,481</b>	80.3	520,408									
Southern	<b>9,268</b>	107.3	994,434									
West Indies	<b>8,925</b>	49.3	440,000	<b>7,317</b>	67.8	496,100	<b>8,096</b>	65.9	533,500	<b>8,155</b>	69.9	570,000
<b>Total</b>	<b>8,518</b>	289.7	2,467,884	<b>7,317</b>	67.8	496,100	<b>8,096</b>	65.9	533,500	<b>8,155</b>	69.9	570,000

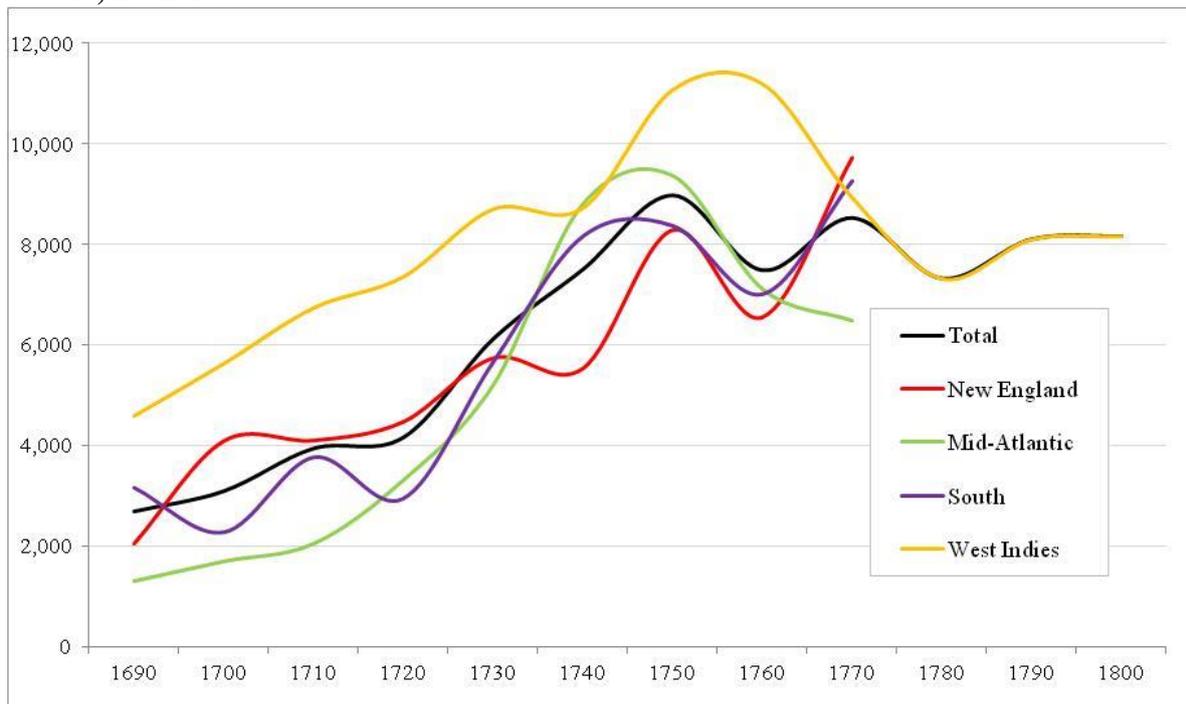
Sources: see nn. 9, 10

**Figure 1: Legislative Output of British Atlantic, in total and by region, 1692-1800 (5 yr averages)**



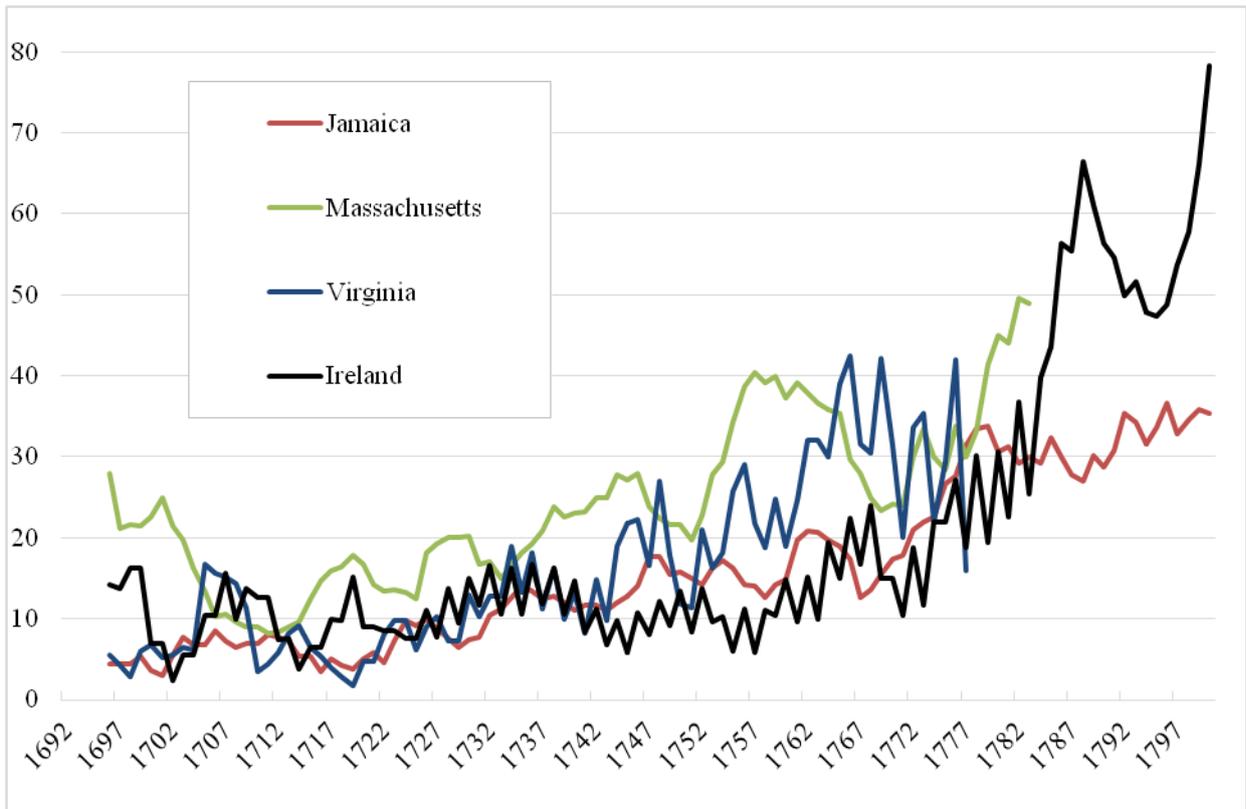
Sources: see Table 1

**Figure 2: Ratio of population per act in British Atlantic, in total and by region, by decade, 1692-1800**



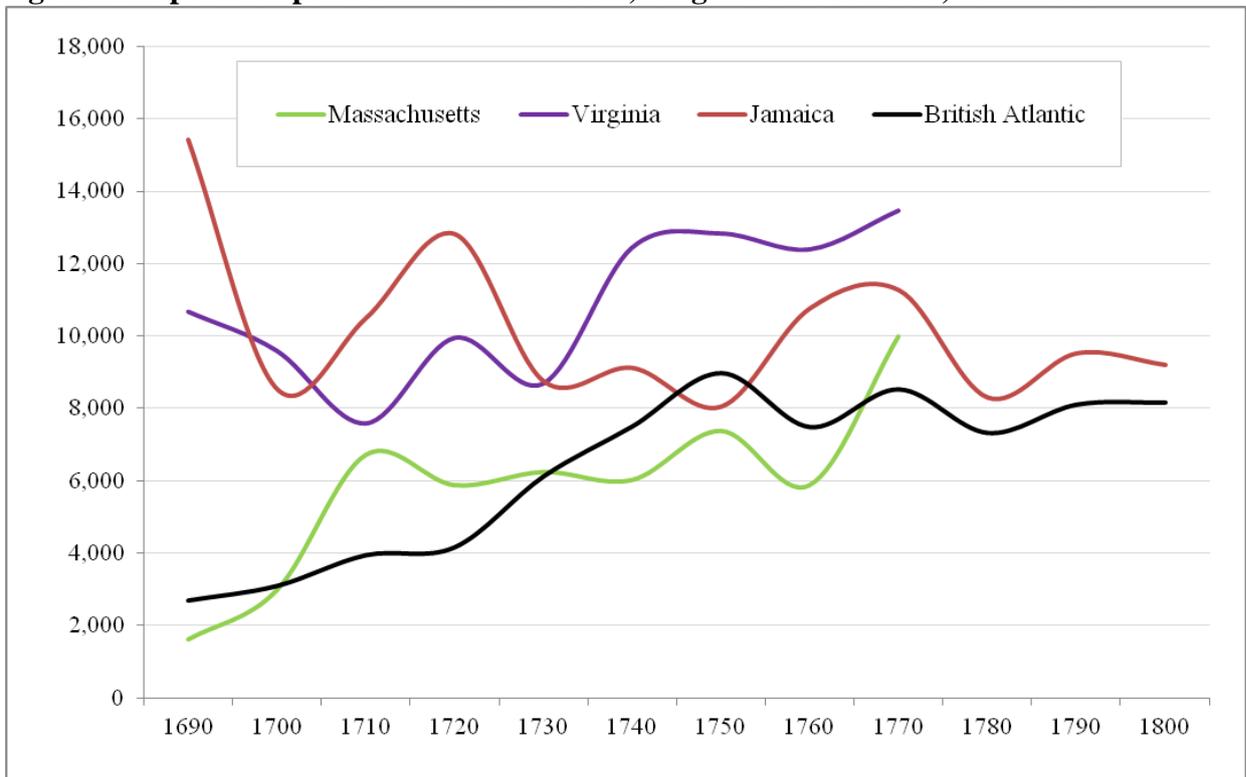
Sources: see Table 1

**Figure 3: Legislative output of Massachusetts, Virginia, Jamaica and Ireland, 1692-1800 (5 yr averages)**



Sources: see Table 1

**Figure 4: Population per act in Massachusetts, Virginia and Jamaica, 1692-1800**



Sources: see Table 1