

Power is absolute and unaccountable, and King, Lords and Commons may do what they please ; but the Question here is not about Power, but Right : *And shall not the Supreme Judicature of all the Nation do right ?* One may say, that what the Parliament can't do justly, they can't do at all. *In Maximis minima est licentia.* The higher the Power is, the greater Caution is to be us'd in the Execution of it, because the Sufferer is helpless and without Resort.

WHEN in an arbitrary Reign, the Charter of *New-England* was vacated, a *Quo Warrant* first gave the Colony Notice to prepare for their Trial. Altho' this was a Prosecution at Law, and the high Court of Parliament is not strictly confin'd to the Forms of the Courts below, yet it is not doubted but the great Fountain of Law and Justice will have some Regard, if not to all the Rules made for inferiour Judicatures, yet to such as are essential to Justice. And so in other Cases it has. For the Purpose : If a Bill be brought into the House of Commons that touches any Man's Property in *Ireland*, it must lie thirty Days, that the Party may have Notice, and not suffer unheard. Why then should not a reasonable Time be allow'd to the Subjects in *America*, in Proportion to their more distant Situation ; seeing they are no less the Subjects of the Crown, than the Inhabitants of *Ireland* ; and Liberty is at least as valuable as Property ; and surely the Concern of whole Provinces challenges as much Regard as the Interest of a single Person. If it should be said, as I confess a great Minister once said to me, That *the Regulation of Charters must be look'd on as Part of the publick Oeconomy, and not as the Affair of any particular Person or Province* ; I humbly apprehend, with the utmost Deference to that great Person, that this does not reach the present Case. It's indeed very reasonable that all publick Affairs be subject to the Determination of the publick Wisdom, and there's no Occasion to notify any Body, because every Body is suppos'd to be present in the representative Body of the Whole ; but here the Provinces to be censur'd and depriv'd have no Representative in Parliament, and consequently must be consider'd as absent Persons suffering unheard.

I KNOW of but one Thing more that can be said to palliate a Proceeding against the Charters in this Way, which is, *That the Provinces always*