

prerogative—this time in the colonies as it had been formerly in Britain itself. The colonies responded by petitions and remonstrances until it became plain that the only petition a parliamentary or democratic usurpation respects is one armed with a club.

The colonists formed their alliances with parties in Europe, loaned their defiance to the London parliament, armed their militia and on July 4, 1776, issued a declaration of independence. The cause in general for their action is in article 13 of this declaration: "He has combined with others (parliament) to subject us to a jurisdiction foreign to our constitution (charters) and unacknowledged by our laws." That the colonists made a distinction between the rights of the Crown and the usurpation of parliament, may be seen by the articles of the minute men of 1776: Article I—To defend to the utmost of our power King George III., his person, crown and dignity; II—At the same time, to the utmost of our power and abilities to defend all our chartered rights, liberties and privileges. III—And at all times and all places to obey our officers chosen by us and our superior officers in ordering and disciplining us."

Again, in Griggsby's Hist. of the Virginia Convention of 1776, p. 27, the English Parliament is called on "To resign its unjust and arbitrary pretensions with respect to America," and the Convention "recognizes in the plainest manner the right of eminent domain of the British Crown."

The Historical Collections of South Carolina, Vol. I, p. 276, describes the royal colonial charter as depending on a commission granted by the Crown and on instructions issued by a governor appointed by the crown. "The form of all provincial governments was borrowed from that of their mother country, which was not a plan of systematic rule drawn beforehand by speculative men, but a constitution which was the result of ages of wisdom and experience. It is a constitution which has a remedy within itself for every political disorder which, when properly applied, must contribute ever to its stability and duration."

"After the model of this constitution the government of Carolina assumed a form like that of the other royal ones on the continent, which were composed of three branches—a governor, a council and assembly. (1) The Crown having the appointment of the governor, delegates to him its constitutional power, civil and military; the power of legislation so

far as the King possesses it, his judiciary and executive powers, together with those of chancery and admiralty jurisdiction, and the e of supreme ordinary—all these powers as they exist in the Crown and are known by the laws of the realm."

II. "The Council, though differing in many respects from the House of Peers, is intended to represent that house."

III. "The assembly consists of the representatives of the people, and are elected by them as the House of Commons in England—to be the guardians of their lives, liberties and properties. "This is a general sketch of the Royal Governments which are intended to resemble the constitution of Great Britain, as nearly as the circumstances of the provinces will permit, and which, notwithstanding its imperfections, is the best form of government on earth."

The vast majority of those who became a little later United Empire Loyalists, by their rank and station among the colonial nobility, of which they formed almost the entire body, were principals in this movement and the leaders of the "Minute Men." It only goes to prove that while they recognized the change of dynasty from the Stuarts to the House of Hanover to be a matter of fact, even if not a matter of law, that they refused resolutely and sternly with the entire body of the colonists to recognize even as a matter of fact the participation of the London parliament in royal functions over the colonies. With this determination to break from the Empire, if the London parliament proceeded on its unconstitutional course, there was a promise of accommodation; if the London parliament might recede from its false position with an abrogation of its unconstitutional acts. When the club which had gone forth with the petition had effected the head of parliament, it acknowledged its error and usurpation of the royal function in the colonies, by repealing all acts relating thereto as far back as 1763. The King's prerogative being secure together with the colonial charters which the "Minute Men" had sworn to maintain, those who were loyal and honest in the colonies felt that they had achieved the purpose of their arming and organizing. But the factious, and democratic and race-levelers centered in the continent, congress, forbade any accommodation of the people with their King, and proceeded to violate in their turn the very colonial charters whose defense afforded the sole excuse of their confederation and armament. The excuse being gone, they had no right to hold any col-