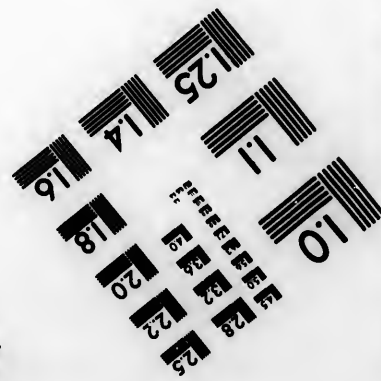
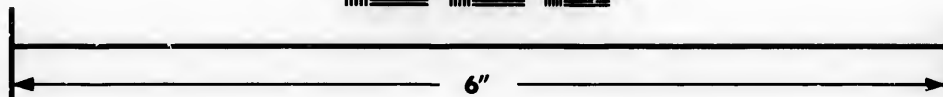
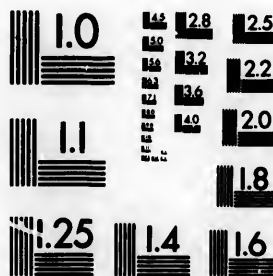


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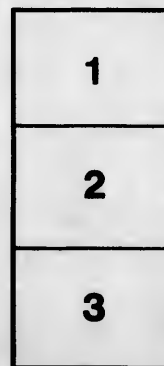
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P L A N

OFFERED BY THE

EARL of CHATHAM,

TO THE

HOUSE of LORDS,

ENTITLED,

A PROVISIONAL ACT, for settling the Troubles
in AMERICA, and for asserting the Supreme Legisla-
tive Authority and Superintending Power of
GREAT BRITAIN over the COLONIES.

Which was rejected, and not suffered to
lie upon the Table.

L O N D O N :

Printed for J. ALMON, opposite Burlington-House, Piccadilly.

M.DCC.LXXV.

1841

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A

PROVISIONAL ACT

For settling the Troubles in America, and for asserting the Supreme Legislative Authority and Superintending Power of Great Britain over the Colonies..

WHEREAS, by an Act 6 Geo. III. it is declared, that Parliament has full Power and Authority to make Laws and Statutes to bind the People of the Colonies, in All Cases whatsoever: And whereas, reiterated Complaints and most dangerous Disorders have grown, touching the Right of Taxation claimed and exercised over America; to the Disturbance of Peace and Good Order there,

B. 2.

and:

and to the actual Interruption of the due Inter-
course from Great Britain and Ireland to the Co-
lonies; deeply affecting the Navigation, Trade and
Manufactures of this Kingdom, and of Ireland,
and announcing farther an Interruption of all Ex-
ports from the said Colonies to Great Britain, Ire-
land, and the British Islands in America. Now,
for Prevention of these Ruinous Mischiefs, and in
Order to an Equitable, Honorable and Lasting Set-
tlement of Claims not sufficiently ascertained and
circumscribed. May it please your most Excellent
Majesty, that it may be declared, and be it de-
clared, by the King's most Excellent Majesty, by
and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons in this
present Parliament assembled, and by the Authority
of the same, that the Colonies of America have
been, are, and of Right ought to be, Dependent
upon the Imperial Crown of Great Britain, and
Subordinate unto the British Parliament; and that the
King's most Excellent Majesty, by and with the Ad-
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vice and Consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, hath, and of Right ought to have, full Power and Authority to make Laws and Statutes of sufficient Force and Validity to bind the People of the British Colonies in America, in All Matters touching the general Weal of the whole Dominion of the Imperial Crown of Great Britain, and beyond the Competency of the Local Representative of a distinct Colony; and most especially an indubitable and indispenfible Right to make and ordain Laws for regulating Navigation and Trade throughout the complicated System of British Commerce; the deep Policy of fuch prudent Acts upholding the Guardian Navy of the whole British Empire: and that All Subjects in the Colonies are bound in Duty and Allegiance duly to recognize and obey (and They are Hereby required fo to do) the Supreme Legislative Authority and Superintending Power of the Parliament of Great Britain, as aforefaid. And whereas, in a Petition from America to his

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Majesty, it has been represented, that the keeping a Standing Army within any of the Colonies, in Time of Peace, without Consent of the respective Provincial Assembly There, is against Law : be it declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, that the Declaration of Right, at the Ever Glorious Revolution, namely, " that the " raising and keeping a Standing Army within the " Kingdom, in Time of Peace, unless it be by " Consent of Parliament, is against Law," having Reference only to the Consent of the Parliament of Great Britain, the Legal, Constitutional, and Hitherto Unquestioned Prerogative of the Crown, to send any Part of such Army, so lawfully Kept, to any of the British Dominions and Possessions, whether in America or Elsewhere, as His Majesty, in the due Care of his Subjects, may judge necessary for the Security and Protection of the same, cannot be rendered Dependent upon the Consent of a

Provincial

Provincial Assembly in the Colonies, without a most dangerous Innovation and Derogation from the Dignity of the Imperial Crown of Great Britain. Nevertheless, in order to quiet and dispel groundless Jealousies and Fears, be it Hereby declared, that no Military Force, however Raised and Kept according to Law, can ever be Lawfully Employed to Violate and Destroy the Just Rights of the People.

Moreover, in order to remove for Ever, All Causes of pernicious Discords, and in due Contemplation of the vast Increase of Possessions and Population in the Colonies ; and having at Heart to render the Condition of so great a Body of industrious Subjects there, more and more happy, by the Sacredness of Property, and of Personal Liberty ; and of more extensive and lasting Utility to the Parent-Kingdom, by indissoluble Ties of mutual Affection, Confidence, Trade, and reciprocal Benefits ; be it declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of
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the Lords Spiritual and Temporal, and Commons in this present Parliament assembled; and it is hereby declared and enacted, by the Authority of the same, that no Tallage, Tax, or other Charge for His Majesty's Revenue, shall be commanded or levied from British Freemen in America, without common Consent, by Act of Provincial Assembly there, duly convened for that Purpose. And it is hereby further declared and enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, that it shall and may be lawful for Delegates from the respective Provinces, lately assembled at Philadelphia, to meet in general Congress at the said Philadelphia, on the Ninth Day of May next ensuing, in order Then and There to take into Consideration the making due Recognition of the Supreme Legislative Authority and Superintending Power of Parliament over the Colonies, as aforesaid. And moreover, May
it

it please your most Excellent Majesty, that the said Delegates to be in Congress assembled in manner aforesaid, may be required, and the same are Hereby required, by the King's Majesty sitting in his Parliament, to take into Consideration, (over and above the usual Charge for Support of Civil Government in the respective Colonies) the making a Free Grant to the King, his Heirs and Successors, of a Certain Perpetual Revenue, subject to the Disposition of the British Parliament, to be by Them appropriated, as They in their Wisdom shall judge fit, to the Alleviation of the National Debt: no doubt being had, but the Just, Free Aid will be in such honorable Proportion, as may seem meet and becoming from Great and Flourishing Colonies towards a Parent-Country, labouring under the Heaviest Burthens, (which in no inconsiderable Part) have been willingly taken upon Ourselves and Posterity, for the Defence, Extension and Prosperity of the Colonies.

And to this great End, be it farther Hereby declared and enacted, that the General Congress (to meet at Philadelphia as aforesaid) shall be and is Hereby authorised and empowered, (the Delegates composing the Same being first sufficiently furnished with Powers from their respective Provinces for this Purpose) to Adjust and Fix the Repartitions and Quotas of the several Charges to be borne by each Province respectively, towards the General Contributory Supply; and this in such Fair and Equitable Measure, as may best suit the Abilities and due Convenience of All. Provided always, that the Powers for fixing the said Quotas, Hereby given to the Delegates from the Old Provinces composing the Congress, shall not extend to the New Provinces of East and West Florida, Georgia, Nova Scotia, St. John's and Canada; the Circumstances and Abilities of the said Provinces being reserved for the Wisdom of Parliament in their due Time. And in order to afford necessary Time for Mature Deliberation in America, be it Hereby declared, that

the

the Provisions for Ascertaining and Fixing the Exercise of the Right of Taxation in the Colonies, as agreed and expressed by this present Act, shall not be in Force, or have any Operation, until the Delegates to be in Congress assembled, sufficiently authorized and empowered by their respective Provinces to this End, shall, as an indispensable Condition, have duly recognized the Supreme Legislative Authority and Superintending Power of the Parliament of Great Britain over the Colonies, as aforesaid. Always understood, that the Free Grant of an Aid as here-before required and expected from the Colonies, is not to be considered as a Condition of Redress, but as a Just Testimony of their Affection. And whereas, divers Acts of Parliament have been humbly represented in a Petition to His Majesty from America, to have been found Grievous, in Whole or in Part, to the Subjects of the Colonies, be it Hereby declared, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Au-
tho-

thority of the same, that the Powers of Admiralty and Vice-Admiralty Courts in America, shall be restrained within their Ancient Limits, and the Trial by Jury, in all Civil Cases, where the same may have been abolished, restored; and that no Subject in America shall, in Capital Cases, be liable to be indicted and tried for the same, in any Place out of the Province, wherein such Offence shall be alledged to have been committed; nor be deprived of a Trial of his Peers of the Vicinage: nor shall it be lawful to send Persons indicted for Murder, in any Province of America, to another Colony, or to Great Britain, for Trial. And it is Hereby declared and enacted, by the Authority aforesaid, that all and every the said Acts, or so much thereof as are represented to have been found Grievous, namely, the several Acts of the 4 Geo. III. ch. 15, and ch. 34; 5 Geo. III. ch. 25; 6 Geo. III. ch. 52; 7 Geo. III. ch. 41, and ch. 46; 8 Geo. III. ch. 22; 12 Geo. III. ch. 24; with the three Acts, for stopping the Port and blocking up the Harbour of Boston, for altering the Charter and Government of
 Massa-

Massachusetts Bay, and that entitled, "An Act for the better Administration of Justice, &c." Also, the Act for regulating the Government of Quebec, and the Act, passed in the same Session, relating to the Quarters of Soldiers, shall be, and are Hereby suspended, and not to have Effect or Execution, from the Date of this Act. - And be it moreover Hereby declared and enacted, by the Authority aforesaid, that All and Every the before-recited Acts, or, the Parts thereof complained of, shall be, and are, in Virtue of this present Act, finally Repealed and Annulled, from the Day that the due Recognition of the Supreme Legislative Authority and Superintending Power of Parliament over the Colonies, shall have been made on the Part of the said Colonies.

And for the better securing Due and Impartial Administration of Justice in the Colonies, be it declared and enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, that His Majesty's

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Judges

Judges in Courts of Law in the Colonies of America, to be appointed with Salaries by the Crown, shall hold their Offices and Salaries as His Majesty's judges in England, *quam diu se bene gesserint*. And it is Hereby farther declared, by the Authority aforesaid, that the Colonies in America are justly entitled to the Privileges, Franchises and Immunities granted by their several Charters or Constitutions, and that the said Charters or Constitutions ought not to be invaded or resumed, unless for Misuser, or some Legal Ground of Forfeiture. So shall true Reconcilement avert impending Calamities, and this most solemn national Accord between Great Britain and her Colonies, stand an Everlasting Monument of Clemency and Magnanimity in the Benignant Father of his People; of Wisdom and Moderation in this Great Nation, famed for Humanity as for Valour; and of Fidelity and Grateful Affection from Brave and Loyal Colonies to their Parent-Kingdom, which will ever protect and cherish Them.

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