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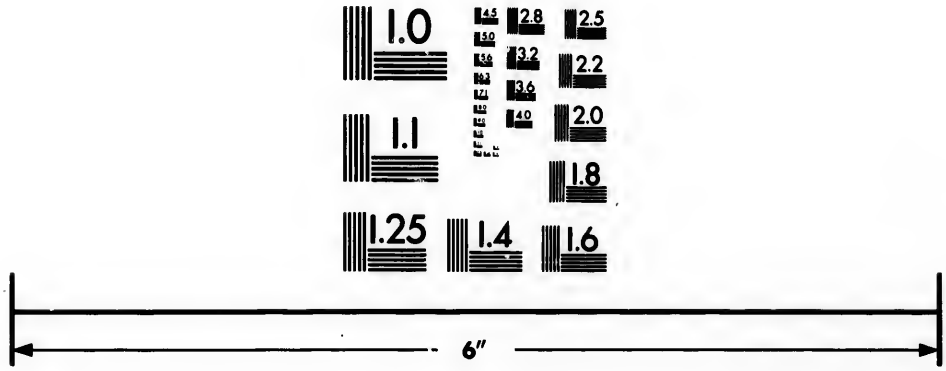

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REFLECTIONS

ON THE

RISE, PROGRESS,

AND PROBABLE CONSEQUENCES,

OF THE

PRESENT CONTENTIONS

WITH THE

COLONIES.

BY A FREEHOLDER.

Cum aliquid clementer, manſuete, juſte, moderate, ſapienter factum, in iracundia præſertim, quæ eſt inimica conſilio, et in victoria, quæ natura inſolens et ſuperba eſt, audimus, aut legimus: quo ſtudio incendimur, non modo in geſtis rebus, ſed etiam in fictis, ut eos ſæpe, quos nunquam vidimus, diliganius?

CICERO ORAT. pro Marcello.

EDINBURGH:

Printed in the Year MDCCLXXVI.

1776
(3)

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SEveral late pamphlets, composed with much art and ability, and recommended by many of the beauties of language, have painted in black and hateful colours, the claims and conduct of the North Americans *; and thereby, have not a little inflamed the resentment of the mother country. The author of this small tract, though deeply sensible of the inferiority of his talents, yet, confiding in the goodness of his cause, humbly attempts to soften that resentment. He represents, from the writings of the Colonists, and of gentlemen who had the best access to know their sentiments, what concessions might have been procured from them by gentle measures, and what they complained of in those acts of parliament, which immediately occasioned their taking up arms. With this view he prepared for the press the following Reflexions about a year ago. They would have been published the beginning of last session of parliament, had it not been prevented by the negligence of one, with whom the manuscript was entrusted. It was not, till after many months, that he recovered the manuscript. Want of leisure, and very imperfect and doubtful information as to late facts and reasonings, have permitted him to make no important addition, unless a paragraph occasioned by the pamphlet entitled *Common Sense*. Still he flatters himself, that this publication, though late, is not unseasonable. He wishes to convince his fellow Freeholders,

* *Taxation no Tyranny. The Address of the People of Great Britain to the Inhabitants of America. The Rights of Great Britain asserted against the Claims of America, &c.*

Freeholders, especially such of them who have seats in parliament, that, if the success of the British arms, shall put it in our power, to prescribe to our colonies conditions of peace; it will be our duty, our honour, and our interest, by a generous use of victory, to regain the lost affection of our old friends, and to extinguish in them every desire of becoming independent on Great Britain.

18th Oct. 1776.

REFLECTIONS on the Rise, Progress, and probable Consequences, of the present Contentions with the Colonies.

§ 1. HAD authority determined me which side to take in the important question, how the mother country ought to conduct herself towards the colonies, I would have embraced these sentiments in favours of administration, which happen to be popular and fashionable with the greater part of my neighbours, my nearest relations, my most intimate friends, and the gentlemen with whom I generally think and act in other matters. But no authority, however respectable, can be pled against reason. No names or numbers will warrant my ascribing justice or wisdom to measures, in which my understanding thinks it discerns the reverse.—A fair state of the grounds of my opinion will satisfy the impartial, that I have not formed it rashly: and may furnish many of my countrymen who wish to judge candidly, with some not unuseful information, scattered in books, pamphlets, and periodical publications which they have not opportunity or leisure to peruse, as to the sentiments of the Colonists, their manner of pleading their own cause, and the regard due to some of their pleas

§ 2. One chief circumstance, that hath reconciled a great part of the nation to war with the colonies, is, an apprehension that there was a general desire in them of independence on the mother country. Their extensive territory, wholesome and temperate climate, luxuriant and fertile soil, rapid population, commodious ports, and variety of products, united many of their friends and enemies in the idea that North America would one day become the seat of a flourishing empire. It is not improbable that, in some future period, this would have happened:

pened: and artful designing men found it no difficult task, to excite or cherish suspicions, that the colonies were already aiming at this, and that checking their growth, and abridging their liberties, was the only method of defeating their schemes. But an able writer, no way biassed in favour of the colony claims, and who had the best advantage for knowing facts, hath born ample testimony, that the Colonists in general were loyal to their sovereign, well affected to the mother country, zealous for her prosperity, and far from harbouring any rebellious designs against the just rights of government. Their merchants are, and ever must be, in a great measure allied with these of Britain; their very support consists in this alliance, and nothing but false policy here can break it *(a)*. Their political and religious principles are incompatible with submitting to the government, or asking the protection of France or Spain. No one colony could by itself shake off dependence on the mother county: and no two had any common magistracy or principle of association, till the attempting to connect them to us by power, connected them to one another in policy. Before this, their different charters, forms of government, manners and customs, religious sentiments, jarring claims and interests, and the rivalship and jealousy arising from all these, prevented any such union among them one with another, as all of them had with the mother country *(b)*. That there might be amongst them men of republican principles, or men ambitious to be the heads of a new kingdom or commonwealth, is no unnatural supposition: But had Britain left them in the happy situation in which they were before the stamp act, these would have been few in number, and could never have persuaded twelve provinces to revolt from a government, under which they felt themselves easy and secure.

In

(*a*) Pownal's administration of the colonies. 4th edition, Lon. 1768. p. 40. and dedication, p. 6 and 8.

(*b*) Pownal s administration, p. 35, 38, 93.

In anſwer to this, it may be urged, that a pamphlet entitled *Common Senſe*, publiſhed at Philadelphia the beginning of this year, argues the neceſſity of the colonies declaring themſelves independent on Britain. I reply, That pamphlet has been refuted by other writers at Philadelphia, under the ſignatures of Candidus, Rationalis, and Cato. The following extract from Cato's ſecond letter to the people of Philadelphia, 11th March 1776, will, I hope, be acceptable to ſome of my readers.

" Nor have many weeks yet elapſed ſince the firſt " open propoſition for independence was publiſhed " to the world. By what men of conſequence this " ſcheme is ſupported, or whether by any, may poſ- " ſibly be the ſubject of future enquiry. Certainly " it has no countenance from the congreſs, to whoſe " ſentiments we look up with reverence; on the " contrary, it is directly repugnant to every decla- " ration of that reſpectable body. It would be need- " leſs to quote particular paſſages in proof of this, " as they are to be met with in almoſt every page of " their proceedings. I will refer to a few only, *viz.* " their Reſolves, March 5. 1775; their Declaration, " July 6.; their Addreſs to the King, July 8.; their " letter to the lord mayor of London; and more " eſpecially, their declaration for a faſt, 12th June, " in which, with the deepeſt marks of ſincerity, they " call upon all America to join with them in addreſ- " ſing the great Governor of the world, humbly " beſeeching him to avert the deſolating judgments " with which we are threatened; to bleſs our right- " ful ſovereign, *&c.* that ſo America may ſoon be- " hold the redreſs of her many grievances, the re- " ſtoration of her invaded rights, and reconciliation " with the parent ſtate, on terms conſtitutional and " honourable to both.——Will any one be ſo hardy " as to ſay, that either the appointment or obſerva- " tion of this ſolemn day was a mere mockery of " heaven and earth? I truſt not. I might add the " ſentiments of our own repreſentatives in aſſembly,

" expressed in the instructions to their delegates; " the sentiments of Maryland in similar instructions, " the resolves of New Jersey and New Hampshire. " Nor shall the much injured province of Massachu- " set's bay be left out of the catalogue, whose " provincial congress, while yet bleeding with the " wounds received at Lexington, thus addressed the " inhabitants of Great Britain: *These are marks of* " *ministerial vengeance against this colony; but they* " *have not yet detached us from our royal sovereign*, &c. " *trusting that in a constitutional connection with the* " *mother country, we shall soon be a free and happy* " *people.* Some future opportunity I doubt not to " make it appear, that independence is not the cause " in which America is now engaged, and is only the " idol of those who wish to subvert all order among " us, and rise on the ruins of their country." Late events do not prove what the colonies originally intended, but what advantages artful men have gained to mislead them from the conduct of administration.

§ 3. But, " are not the American claims of ex- " emption from parliamentary taxation, a virtu- " al renouncing subjection to the king, and de- " pendence on the mother country? If the Ame- " ricans have the exclusive right of taxing them- " selves; what power is to remain in the supreme " legislature? May the British parliament tell them " how much they shall contribute? If the sum may " be prescribed, they will return few thanks for the " power of raising it *(c)*; if they are at liberty to " grant or to deny, they are no longer subjects *(d)*. " In sovereignty there are no gradations. There " may be limited monarchy, but there can be no " limited government. There must in every socie- " ty be some power or other from which there is " no appeal, which admits no restriction, which " pervades the whole mass of the community, enacts " laws

(*c*) Surely this is no compliment to Lord North's conciliatory motion.

(*d*) Taxation no Tyranny. 3d edition p. 52.

"laws or repeals them, erects or annuls judica-
"tures, extends or contracts privileges, exempt
"itself from question or controul. From this all
"legal rights are emanations, which, whether e-
"quitably or not, may be legally recalled (*e*). The
"charter by which provincial governments are con-
"stituted, may be always legally, and where it is
"either inconvenient in its nature, or misappli-
"ed in its use, may be equitably repealed (*f*)."
——Could a gentleman of good sense and penetration, seriously think, that these principles and reasonings had any chance to reconcile the colonies to the claim of parliament to make laws for them in every case whatsoever? Was not this telling them, You cannot be subjects of Britain, unless you are slaves? You renounce your allegiance, and deserve to be hanged as rebels, unless you acknowledge in Britain an unlimited power to give you law: a power to forbid and punish your worshipping God according to the dictates of your conscience, to stop the liberty of the press, to take every farthing of your money without your consent, to abolish trial by juries, and to deprive you of every security for liberty, property, or life itself. But why do I talk of depriving you of what you never possessed? You have no rights, which are not revocable at pleasure. You, and all that you have, are the property of your rulers, and whatever they demand, whatever they inflict, you are traitors, if you do not submit.—What can be the probable effects of this wonderful doctrine, if it has any effect at all, unless to drive the colonies to the madness of despair, by that madness to inflame in the mother country the rage of resentment, and by the consequences of both to facilitate the success of the machinations of France, of Spain, and of a popish pretender? All the invectives of a Crisis, or North Briton, the eloquence of a Junius, and the wit of a Churchill,

 give

(*e*) Ib. p. 24, 25.
(*f*) Ib. p. 27.

give not half the wounds to the peace of the British empire, which she receives from the pen of this her pretended advocate. Let Torries beware of breathing out threatning and slaughter, against those who have occasioned the violent proceedings of the North Americans, least these evils should fall on his head, who is neither the least able, nor the least zealous of their friends.

Strange however as it may seem, it is no less true than strange, that many who profess and fancy themselves Whigs, approve and admire this author, and the faithful retailer of his principles, the Rev. Mr John Wesley. Would their forefathers, who so successfully opposed despotism in a prince, have heard with patience, that the house of commons, whose power was wholly derived from their constituents, might, at the requisition of the other branches of the legislature, lawfully divest their constituents of every power, right and priviledge; and that the constituents could not, except by rebellion, resist the act thus divesting them? In some future period, it is not impossible, that a majority in both houses of parliament, bribed by posts and pensions, may compliment an ambitious monarch with absolute power. Law hath not fixed a precise line, beyond which the authority of the supreme legislature over subjects cannot extend. But doth it therefore follow, that this authority is unlimited, and that if it is exercised to annul that security for national happiness, which is the great end of government, the people have no right to prevent the ruin of themselves and posterity, by opposing this wanton perversion of power? Can Britons boast of their constitution and liberty, if others have a right of taking from them at pleasure every thing that passion or interest prompts them to take? Would slavery and wretchedness be less galling and intolerable, because imposed by all the branches of the legislature; and not assumed by the prince in opposition to lords and commons? Is such an injury to be tolerated, because

cauſe two or three hundred concur in it, and add ingratitude and breach of truſt to injuſtice?

But to return to the caſe of the colonies. It will not follow, if they are at liberty to give or to refuſe the money requeſted by parliament, that therefore they are no longer ſubjects of the Britiſh empire. The members of the houſe of commons are ſubjects of our ſovereign, and yet have a right to grant or deny the ſubſidies he aſks. A ſtate is not independent on its rulers, tho' theſe rulers have not authority to deſtroy it. The abſolute command of the purſe is not neceſſary to that dependence or ſubjection, whether of individuals or communities, which is conſiſtent with liberty and property. A dependence or ſubjection incompatible with theſe, the Britiſh conſtitution is happily ignorant of. The Iriſh chuſe their own repreſentatives, by whom alone they are taxed, and will not allow the Britiſh legiſlature to alter a word in a law to tax them. Their acts are ſent over to be approved, not by the Britiſh parliament, but by the Crown: Yet they diſpute not the authority of their rightful ſovereign, or their dependency on Britain. The Britiſh monarch appoints their lord lieutenants, who, when he thinks proper, adjourns, prorogues, or diſſolves their parliament.

The aſſertion, that colony charters may be always legally, and where the preſent ſtate finds them inconvenient, even equitably revoked, is warning the colonies to put no truſt in the promiſes of Britain, becauſe Britain may legally and even equitably break them, when ſhe thinks it convenient. It is however to be hoped, the colonies will not miſtake the voice of this writer for that of parliament or adminiſtration. This would be as unjuſt as to impute to a general the cruelty or treachery committed without his knowledge or conſent, whether by a mercenary or volunteer in the ſervice.

§. 4. I am not ſufficiently acquainted with the charters of the ſeveral colonies, to determine the nature

nature and extent of their dependence on Britain. One who has been governor to ſome of them, and whoſe teſtimony the friends of adminiſtration will not call in queſtion, hath given this account of it. Before the civil wars, the king conſidered the colonies not as ſubjects of the realm, but as his ſubjects in theſe his foreign dominions; and on that account, when parliament 1621 and 1624 attempted to take cognizance of their affairs, it was objected to by the ſervants of the Crown, and dropped *(g)*. The Coloniſts viewed themſelves as in immediate connection and ſubordination to the king; and they and their poſterity were acknowledged entitled to enjoy all the liberties and immunities of free denizons and natural ſubjects, to all intents and purpoſes, as if they had been abiding and born within the realm *(h)*. No government therefore, leſs free than that which they had left, could be juſtly eſtabliſhed among them. Hence their general aſſemblies had power of enacting laws, impoſing taxes, erecting courts, and creating magiſtrates *(i)*. They acknowledged themſelves ſubordinate to England, and that ſhe might juſtly reſtrain them from any thing repugnant to her rights and intereſts; but held their allegiance only as due to their ſovereign as their head, not as the head of another people. They were all in the true ſpirit and meaning of the thing, counties palatine, and ſome of them were actually and expreſly created ſo *(j)*. Conſidered as having quitted the realm, they were incorporated into diſtinct communities; had the jura regalia granted them, and their own peculiar legiſlatures, free, uncontroulled and complete, in conjunction with the king's deputy *(k)*. Their conſtitution was treated as the ſame with that of Jerſey, which had a right to hold a convention of the three eſtates of the iſland, in which the king's governor had a negative voice, and where the great buſineſs was raiſing money to ſupply public occaſions *(l)*.——In the

(g) Pownal's adminiſtration, p. 48, 49. (h) Ib. p. 50. (i) Ib. p. 52. (j) Ib. p. 54. (k) p. 138. (l) p. 60.

the year 1643, the lords and commons assumed the executive powers of government, and were in fact the acting sovereign. In that capacity they made laws for the plantations; nay, in 1646 charged them with a tax excise, but at the same time exempted them from all other tax or duty, provided their trade was carried on in English bottoms (*m*).——— On the restoration of the monarchy, the parliament taking up the idea from the power they had exerted during the commonwealth, that the colonies belonged to the realm, and the king having participated with them, his sovereignty over these his foreign dominions, they became in fact subjects of the kingdom; and parliament, in the capacity of supreme legislature of the realm, interposed in regulating their trade, limiting their rights and property, and even taxing them (*n*). Henceforth king and parliament conjunctly may be stated as sovereign, and the colonists as subjects. Still, however, if these subjects were entitled to the rights and privileges of Englishmen, the power of this sovereign must have some bounds in its extension and exercise; and here questions naturally arise, Whether this sovereign can disfranchise them of their rights, because settled beyond the territorial limits of the realm? Whether they are entitled to a constitution of the same political liberty as that which they left? Or, Whether the whole of their constitutions are liable to be new modelled and reformed, or suspended and taken away at the will of this sovereign? (*o*) To an unlimited right of taxing them much may be objected. In granting supplies by imposing taxes on the people, the house of commons is the sole originating and forming agent, as to the matter, measure, and time; while the king and lords only consent. Of this I know no reason, but that assigned, Commons Journal, 1672. "The commons act as granting for the "counties and societies whom they represent." Tho' some

(*m*) Pownal's administration, p. 121. (*n*) Ib. p. 125. (*o*) p. 135.

ſome have no vote in electing them, the property of the copyholder is repreſented by its lords; and that within a city, by the body of freemen in it, who chuſe the member of parliament. But how can the commons repreſent the property in America, when ſtated as being without the realm, and no part of any county or city of the ſame? Can it be ſaid, that in impoſing taxes, the commons do not act in virtue of their repreſenting the towns and counties for whom they grant? Or, Is it true, that in granting for theſe towns and counties which they repreſent, they do alſo repreſent the property of America? *(p)* If, at the Reſtoration, the colonies came under the authority and juriſdiction of parliament, they alſo became participants of the rights and liberties on which the power of parliament is founded. As by new acquiſitions and improvements, by trade, manufactures, and colonies, the circumſtances of the realm muſt be often changing; and this repreſentative body cannot inſtantly and equally follow theſe changes; it muſt neceſſarily at times not be an actual repreſentative. Yet, as the principle that no free people ought to be taxed but by their own conſent, is invariable, ſo the mode of repreſentation has altered, ſo as to extend to and ſuit the mode under which the repreſented were found to exiſt. Hence many towns, counties, and even dominions, not previouſly repreſented, have, as they acceded to the realm, or increaſed within it, been called to a ſhare in the common council, as the counties palatine of Durham and Cheſter *, and the dominion of Wales, ſo that they might not be grieved with acts and ſtatutes, paſſed without their conſent, and contrary to their intereſt; and when King Edward planted a colony in Calais with all the privileges of free-born ſubjects, that colony ſent burgeſſes to parliament. Parliament has

(*p*) Pownal's adminiſtration, p. 134.

* The act for admitting members from Cheſter ſays, that taxation and other proceedings of parliament, extending over unrepreſented inhabitants are tyrannical and illegal.

has never ceased to be deemed the constitutional representative, and to act as the common council of the whole dominions of the realm: but, on the other hand, has always given subjects power to send representatives, as they have arisen to an importance and share of influence in the state, which could justify the measure (q). Or, if as in the case of the American colonies, the foreign acquisitions have been deemed so far separate from the kingdom, that they could not be incorporated into any county or city within the realm, and that their state and condition could be little known by parliament; the governor, council, and representatives of the county assembled, have been admitted to make laws, and impose taxes respecting that community, although subordinate to the government of the mother country, and not capable to act contrary to it. If government required money for extraordinary services, the requisition of the crown was laid before the assembly by his majesty's commissioner the governor. They always enjoyed the liberty of judging by their representatives, how internal taxes should be raised within their respective governments, and what was the ability of the inhabitants to pay them (r). There was good reason for this. The true ground of justice whereby the parliament grants supplies is, that they give what is their own; that they lay no tax, which does not affect themselves and their constituents; and that they do not grant from the property of others to ease themselves. Let the statesmen apply this reasoning to the state of the colonies (s). It strongly pleads their exemption from internal taxation by parliament, but does not conclude their immunity from external taxes. The charter of Virginia, after having directly fixed the right of payment of subsidies, imposts and duties from the company to the crown, and having made a grant of the same to the company for 21 years, hath these words, "That they shall be free from all subsidies and cu-

"stoms

(q) Pownal's administration, p. 139. (r) Ib. p. 149. (s) p. 173.

" ſtoms in Virginia for 21 years, and from all taxes " and impoſitions for ever;" making not only an expreſs diſtinction in the matter, but in the right. In conſequence of this, the charter incorporating them, gave the internal government a right of taxing them. The charter of Maryland reſerves to the king and his heirs for ever, impoſts, duties and cuſtoms, which the people of that province are by their charter bound to pay: Yet the ſame charter, diſtinguiſhing between internal and external taxation, ſays, " We, our heirs and ſucceſſors, ſhall at no " time ſet and make, or cauſe to be ſet, any impoſi- " tion, cuſtom or taxation, on the inhabitants of " the ſaid province, for their lands, goods, tene- " ments, or chattles, within the ſaid province." In the ſame manner, and almoſt in the ſame words, all the charters of incorporation and government, make the ſame diſtinction, ſtipulating expreſsly for the payment of all impoſt and duties, according to the law of merchants; but leaving the lands, *&c.* to be taxed by the ſeveral Provincial legiſlatures. The adminiſtration of government towards theſe people, has been conducted on this plan for a century and a half, always impoſing external and port duties, but never directly laying internal taxes on the Coloniſts for their lands, *&c.* or on their tranſactions within the precincts of the juriſdiction of their ſeveral territories. The colonies having been uſed to this diſtinction, by the courſe and practice of government, have in their reaſonings marked an eſſential difference in the nature of the thing. Whatever duty is impoſed on any property imported into their country, is thus annexed to that property; but is not impoſed upon them either in their rights or perſons, until they chooſe, by purchaſing that property with the tax annexed to it, to annex that tax alſo to themſelves. But this they uſed to conſider as an act of their own conſent. Whereas, whatever tax is impoſed on any property, which, within the precincts of their juriſdiction, is immediately

and

and intimately united to their perſons and rights: Such tax muſt be paid, without any interpoſition of their own will (*t*). Till the year 1764. Britain never exerted a right of impoſing internal taxes on the colonies (*u*). Till the year 1768, the colonies never did in form, and as of right, claim exemption from port duties laid on by parliament, tho' they well knew that theſe duties made part of the revenue of the cuſtoms, which were granted by the commons of Great Britain to the Crown, in ſupport of its government and dignity (*v*). When Britain ſaw that ſhe had exceeded in her power, and had advanced beyond this line, the good humour and honour of the nation returned to it. The colonies have now in their turn advanced beyond this line; and if all which they deſire, is to be placed on the ſtanding on which they were originally put, they alſo will fall back to it in their turn (*w*). This is the only ſafe line of peace. But, if mutual truſt and confidence is deſtroyed, no other line of pacification remains, than either that the colonies be admitted to the parliament of Great Britain by a general Britiſh union; or, that they have a parliament of their own, under an American union. There is no other alternative, than that they be put either in the ſituation of Scotland, or in that of Ireland. The firſt of theſe was propoſed near 20 years ago, and might then have been eaſily carried into execution. Ten years ago it was not deſperate, but the ſpirit of this country diſdained the idea; and now the colonies, in their turn, will not hear of it, ſo that the opportunity is loſt. If this be the caſe, and if it is probable that the colonies being let alone, will form an American union; and that, being agitated by oppoſition from without, they will the ſooner, the cloſer, and the firmer coaleſce, what remains but to put a Britiſh ſtadtholder, a king's lieutenant, at the head of that union? When the Netherlands ſeparated from

(*t*) Pownal's adminiſtration of the colonies, part II. Lon. 1774. p. 65, 69. (*u*) Ib p. 78. (*v*) Ib p. 64. (*w*) Ib. p. 79.

the Spanish government, the wise and temperate among them sought to put themselves under the English in this very form (x). Such has been invariably the course of human affairs, that, wherever a country has been originally divided into a number of small free independent states, the necessity of a common referee, who has power sufficient over all, to carry into execution these regulations and remedies which are required by all, has always obliged such states to create some one such referee among themselves, or to call in one from without. If this establishment is formed on preconceived modes of policy, the government may be that of law: If it be only dragg'd into existence by power and force, it must be the government of men, and founded on the deprivation of freedom (y). If a certain annual income is demanded of the colonies in lieu of protection, it must be so laid in fair and equitable proportions at present, that as the colonies increase, it may so increase, as still always to hold the same proportion (z).

§ 5. Though I cannot fall in with all the sentiments and proposals of this respectable writer, yet in general they merit an attention, which, I am afraid, they are not like to meet with from either party. They who have leisure and opportunity would do well to consider his proofs, part I. p. 281. ——318. That a revision of the laws of trade, so far as they respect the colonies, and mitigating some of the restrictions of the navigation act, would tend to increase the commerce and wealth of the mother country. If the candid peaceable spirit, that appears in his writings on one side, and Mr Dickinson's Essay on the constitional power of Britain over the colonies, reprinted, London 1774, or the other, animated gentlemen of influence on both sides, expedients would soon occur, for stopping the calamities of war, and restoring mutual confidence and affection to mother country and colonies.

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(x) Pownal's administration, part II. p. 81, 82. (y) Ib. p. 85. (z) Ib. p. 108.

It may, not be amiſs to lay before my readers, ſome of Mr Dickinſon's reaſonings in that Eſſay, in confirmation of Mr Pownal's. Trade was the object of England in encouraging colonies. A love of freedom was the chief motive of the adventurers. They muſt therefore have been idiots, if they had become Coloniſts, on condition that every ſhilling they gained might lawfully be taken from them, and armed men ſet over them to govern them in every action. The freedom of a people does not conſiſt in the extent of their commerce, and therefore by reſtraints on their commerce is not infringed. By making peace or war, the king may open or ſtop trade, as he pleaſes. Whether Britain will continue free, ſhe herſelf muſt determine: how ſhe ſhall trade, muſt be determined by other nations. The right of acquiring depends on others: the right of acquired property ſolely on the owner. A power of regulating our trade is ſubject to a natural and conſtitutional check. Britain cannot injure us by taking away our commerce, without immediately hurting herſelf. But a ſupreme legiſlative power over us, is a power without check or limit. She might ruin us by it. The injury to herſelf might be remote, and deſpiſed by her. The power of regulating our trade, formed on one of theſe original contracts, which only can be a foundation of juſt authority, was the only bond that could have held us together. Without ſuch a bond, our general commerce with foreign nations might have been injurious to Britain.——It is pled, that there are many in Britain not qualified to vote by their property, though poſſeſſed of a conſiderable ſhare, as proprietors of funds, the Eaſt India company, *&c.* But not to inſiſt that a complete repreſentation was intended by the conſtitution, that every defect in the repreſentation is againſt it, and that a ſmaller defect can be no argument for a greater, I would obſerve, that though theſe proprietors, *&c.* have no right to vote in that capacity,

 they

they may have it in another character as freeholders, *&c.* Even these not entitled to such vote in England, and incapable of obtaining it, have this protection, that representatives and their electors are bound by the laws made, as well as the rest of the people; and the unrepresented living in the same kingdom cannot be affected, unless the representatives and their electors are affected also. But the members of a British parliament, by granting a revenue in America, give not a single penny out of the pocket of the granters, or their representatives; nay, they save money to both. Statutes might grind us, while not an elector in England would know or regard our sufferings. The lords who protested on the repeal of the stamp act, openly avowed, that it was the indispensible duty of parliament to tax the colonies, in order to ease the gentry and people of Britain. Our dispute therefore includes more than the present taxets laid upon us. Britain is about one hundred and forty millions in debt: If she can pay any part of that debt, by taxing us without our consent; she may, if we can raise the money, pay the whole. Hard is our fate, if to escape the character of rebels, we must be degraded into that of slaves! Parliament could have raised more money by stopping the drawbacks which are allowed on some articles upon their exportation from England, than by all the duties laid upon them on their arrival in the colonies. These duties were therefore laid on, not for the sake of the money, but to establish a precedent for taxing the colonies, the fatal consequences of which we could not but dread.—It has been urged, that precedents shew a power of internal legislation over us, rightfully vested in parliament. But submission to unjust sentences, proves not a right to pass them. Submission may sometimes be a less evil than opposition, and therefore a duty. But when submission becomes inconsistent with, and destructive of the public good, it is equally our duty to oppose. Because precedents have been introduced

duced by the inattention or timidity of ſome, or the cunning and violence of others, have the latter a right to make the former miſerable? Do precedents that ought never to have been ſet, repeal the laws of juſtice, humanity and equity? Precedents therefore to juſtify perpetual oppreſſion, have no force. What would the liberties of Britain have been at this time, if precedents could have made laws inconſiſtent with the conſtitution? It is a maxim of law, that a bad uſage ought to be aboliſhed: The equal diſtribution of juſtice, and the free enjoyment of property, are the great objects of ſociety; and no time, no precedent, no contract, can deſtroy her claims to them.

§. 6. To theſe obſervations from Meſſrs Pownal and Dickinſon, I will ſubjoin a few extracts from a ſenſible anonymous writer, who has replied to the New York Farmer's Free Thoughts on the proceedings of the Continental Congreſs 1774, and whoſe ideas, in ſome particulars, differ from theirs.

The authority of the Britiſh parliament over America would, in all probability, be a more intolerable and oppreſſive ſpecies of deſpotiſm, than an abſolute monarchy. An abſolute prince is under no temptation to purchaſe the favour of one part of his dominions at the expence of another; for it is his intereſt to treat them all upon the ſame footing: But lords and commons have a private and ſeparate intereſt to purſue, and muſt be wonderfully diſintereſted, if they would not make us bear a very diſproportional part of the public burdens, to avoid them as much as poſſible themſelves. The ſacrifice of our intereſt and eaſe to theirs, will be extremely welcome and alluring to them; nay, they may court the gale of popular favour, by laying oppreſſive impoſitions on their American vaſſals, and by that means leſſening the burdens of their friends and countrymen. Beſides, our dawning ſplendor is looked upon with a jealous eye, as portentous of approaching independence. Jealouſy is a predominant

paſſion of human nature, and where-ever it takes place in rulers, they conclude that they have no ſecurity for their authority, unleſs by rendering their ſubjects abject and diſpirited, intimidating and awing them, and as much as poſſible increaſing their own power, and impairing the people's. To effect this in America, a large ſtanding army would be maintained out of our own pockets, under pretence of defending us, but in fact to make our bondage and miſery complete. We might ſoon expect the martial law univerſally prevalent, and every bulwark of perſonal ſafety aboliſhed. A numerous train of court dependents would be created, and ſupported at our own expence. The value of all our poſſeſſions, by a complication of extorſive methods, would be gradually depretiated, till it become a meer ſhadow. Deplorable is the condition of that people, who have nothing elſe than the wiſdom and juſtice of another people to depend upon. It is by means of their intereſt, we muſt make other communities promote our's. Without this we have no ſecurity for any thing of which they can deprive us, except their good wills, *i. e.* none at all *(a)*.——It is an invariable maxim, that every acquiſition of foreign territory, is at the abſolute diſpoſal of the king, and unleſs he annex it to the realm, it is no part of it; and if it be once alienated, it can never be united to it again, without the conſent of the proprietors *(b)*. The excluſive regulation of our commerce is a ſufficient tribute to Britain for protecting it. The balance of trade is much againſt us. The profits Britain derives from us every year exceed two millions and a half ſterling. If her protection merited a greater recompence, her juſt demands might be ſatisfied, without putting it in her power to ruin us. We aſſent to the exerciſe of a power, which aſcertains to Britain a vaſt annual income. Further aids ought to be left

(*a*) Farmer refuted. New York, 1775. p. 11. 12, 13, 18.
(*b*) Ibid. p. 25.

left to that loyalty, fidelity and generosity, which the colonies, especially Massachuset's, that injured calumniated county, so signally displayed, in sparing neither men nor money in the last war *(c)*.—— Parliament's legislating for us, and raising a revenue upon the articles of commerce, would be a sufficient degree of slavery. It is absurd to say, that Britain could not impose heavy burdens on our commerce, without immediately feeling the effect herself. She may enrich herself by reducing us to penury and wretchedness. We are already forbid to purchase the manufactures of any foreign countries. If we might manufacture our own materials, that might be a refuge to us, and a security against any immoderate exactions. But this too might be prohibited. We should then be under an inevitable necessity to purchase goods from Britain, that we could not do without, however excessive duties were laid upon them; and Britain would be enriched by draining us of all our wealth, for these necessaries. As to our trade with foreign countries, the burdens imposed on that, increase her public treasure. Her inhabitants would pay no part of them: they fall solely upon us. The incumbrances of our foreign trade would not injure her's. In a period not far distant, the productions of our country will infinitely exceed the demands which Britain can have for them; and as we shall then be greatly advanced in population, our wants will be proportionably increased. These circumstances will open an ample field for extortion and oppression. Tyrannical edicts would always be ready to silence our murmurs. A formidable army would be kept up to enforce them. The slightest struggles to recover our lost liberty, would become dangerous and even capital. Continental conventions, by which there might be a communion of councils and measures, would be interdicted. Non-importation and non-exportation agreements, would be made treasonable. No remedy would

(c) Farmer refuted, p. 41, 45. (d) Ib. 44.

would be left, but in the clemency of our oppressors; a wretched one indeed, and such as no prudent man would confide in *(d)*. I have not time to transcribe the evidence adduced by this writer, p. 25—38. that parliamentary claims of taxation have no support in any of the charters, except that of Philadelphia, in which there is a reserve in favour of parliament, which must either be rejected; interpreted of duties for the regulation of trade, not internal taxations; or the general tenor of the grant become unintelligible. King James granted to the company of New Plymouth all jurisdictions, royalties, *&c.* within a certain tract of land, and the adjacent islands and seas, reserving only the fifth part of all gold and silver ore, in lieu of all duties, demands, and services. Their council was vested with the sole power of legislation, coinage, making war, and peace, *&c.* The inhabitants a few years after purchased these rights from the patentees, and became an independent state by charter. King Charles I. granted to the company of Massachuset's Bay, powers and privileges resembling those of New Plymouth. The Connecticut and Rhode Island charters, granted by Charles II. reserve only allegiance to the king, without the smallest share of the legislative or executive powers. The Massachuset colony did not accept their new charter from William and Mary, till advised by the best civilians, that their religious liberties were for ever secured, and that they could be touched by no tax or law, but of their own making. This, and what has been formerly observed on the same subject from Governor Pownal, shews, that claims from charters to exemption from taxation, are not, as Dr. J. Mr. W. and others, give out, peculiar to Maryland. The temporary exemption from taxes in Massachuset's Bay refers to quit-rents for lands; which exemption is commonly granted for a certain number of years, to the first settlers in every new colony; and therefore:

(*d*) Farmer refuted, p. 44.

fore Mr Mauduit, Dr J. and others, have been too hasty in concluding, that the Massachuset's colony, by accepting the charters of James and Charles I. freeing them from taxes for seven years, virtually stipulated to pay taxes after the expiration of that period.

§. 7. Still further evidence may be had, what claims would probably have been insisted on, and what concessions made by the colonies, from the resolutions and instructions of the provincial congress in Pennsylvania, 15th July 1774. There they ask Britain's renouncing all powers of internal legislation, of imposing taxes internal or external, and of regulating trade, except with respect to new articles of commerce which the colonies may hereafter raise, and the repeal of the acts of the former session of parliament respecting Massachuset's Bay; and then say, It will be reasonable for the colonies, to settle a certain annual revenue on his majesty, subject to the controul of parliament, and, to satisfy all damages done to the East India company. From Britain alone we shall continue to receive manufactures. To her alone we shall continue to carry the many articles of commerce, the exportation of which her policy hath thought fit to confine to herself. With such parts of the world only as she hath appointed us to deal, we shall continue to deal; and such commodities as she hath permitted us to bring from them, we shall continue to bring. The executive and controuling powers of the Crown, will retain their full force and operation. We shall contentedly labour for Britain as affectionate friends in time of tranquility, and cheerfully spend for her as dutiful children our treasures and blood in time of war. She will receive from us a certain income without the trouble and expence of collecting. The officers employed by Britain consume a large part of what she takes from us. We could raise the same sum in a much more easy, equal and cheap manner. Our barracks cost 8000 l. of this money, and

and the barracks of another place, not deſerving a compariſon with ours, coſt 40,000 l. ſterling. If money is raiſed upon us by parliament, of one thouſand pounds taken out of our pockets, not one hundred will be uſefully applied to the ſervice of the Crown. The interruption of our commerce muſt diſtreſs many of our fellow ſubjects at home, and therefore we requeſt that our deputies exert themſelves to induce the continental congreſs, to make a full and preciſe ſtate of grievances, and a decent yet firm claim of redreſs, and to wait the event before any other ſtep is taken.——Probably Pennſylvania in general would have gladly accepted theſe, or even in ſome articles, leſs favourable terms of accommodation. And it may be preſumed New York, New Jerſey, Maryland and Georgia, would not have riſen higher in their demands; and that their united influence muſt have had great effect on the other colonies.

§. 8. It hath been alledged, that all the claims of the colonies to an excluſive right of taxing themſelves, took their riſe from the conqueſt of Canada. Perhaps, it might be ſaid with greater truth, that the idea of parliament taxing them, was ſuggeſted by certain gentlemen employed in America during the late war, and deſirous of procuring for themſelves, or relations, offices in the army, or cuſtoms, in that country. But American ideas of taxation were much the ſame in the laſt, as in the preſent century; only the regard paid to them by government was then greater. The governor of New York very early impoſed ten *per. cent.* on all goods imported at the Hoar Kill, though neither that, nor Weſt Jerſey, was legally under his juriſdiction. The ſettlers, from the firſt, complained of the hardſhip, but bore it with tolerable patience till about 1680, when application was made to the Duke of York, who referred the matter to the council, where it was reported in their favour, and the

the duty ordered to be discontinued. Among the arguments in the paper presented to the Duke's commissioners against the customs, were these, "If we could not assure people of an easy, free, and safe government, both with respect to their spiritual and worldly property; that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government, a meer wilderness would be no encouragement: For it were madness to leave a free, good, and improved country, to plant in a wilderness; and there adventure many thousands of pounds, to give an absolute title to another person to tax us at will and pleasure. You plead that Jersey was a conquered country, and that the king being the conqueror had power to raise money, make laws, *&c.* and that this power he had vested in the duke, by right of which he demands that custom we complain of. But suppose the king were a conqueror, did his power extend equally over his own English people, as over the conquered? Are not they some of the letters that make up the word Conqueror? Shall a people free by law under their prince at home, be at his mercy in the plantations abroad? The king's grant to the duke of York, is plainly restrictive to the laws and government of England, in the constitution of which it is fundamental, that the king cannot take his subjects goods without their consent. See *Magna Charta*, chap. 29.; 34th Edward III. chap. 2.; and 25th Edward, chap. 7. To give up the power of making laws, is to sell, or rather to resign ourselves to the will of another for nothing. For we buy nothing of the duke, if not the right of an undisturbed colonizing, with no diminution of the privileges enjoyed in our own country. For the soil is none of his, it is the natives. This tax is not to be found in the duke's conveyances, but is an after business. Had the planters foreseen it, they would sooner have taken up in any other plantation in America. New Jersey never paid custom

before

before the laſt peace, and that peace reinveſts every proprietor by articles. We bought it when free, ſince which time this impoſition is born. The plain Engliſh of the tragedy is this: We twice buy this moiety of New Jerſey, firſt of Lord Berkeley, and then of the natives; and for what? the better to mortgage ourſelves and our poſterity to the duke's governors, and give them a title to our perſons and eſtates, that never had any before. Since by this precedent we are aſſeſſed without any law, and excluded our Engliſh right of common aſſent to taxes; what ſecurity have we of any thing we poſſeſs? We can call nothing our own, but are tenants at will? not only for the ſoil, but for all our perſonal eſtates; while we endure penury, and the ſweat of our brows, to improve them at our own hazard only." The curious may find this ſpirited memorial inſerted at large in Sam. Smith's hiſtory of New Jerſey, publiſhed at Burlington 1765, p. 116—125.

The proprietors of Eaſt and Weſt Jerſey ſurrendered, *A. D.* 1702, to Queen Ann, their right of government, without any intention to abridge the privileges before enjoyed; among which were freedom of conſcience, trial by juries in open court, taxes to be levied only by legiſlative act, *&c.* and indeed theſe privileges they could not lawfully abridge; for the ſettlers had purchaſed them, as well as the ſoil, and therefore, without their own deed, could not warrantably be diveſted of them: Yet attempts were early made to encroach on theſe rights. Lord Cornbury arrived in New Jerſey, of which he was appointed governor, Auguſt 1703; among Queen Ann's inſtructions to him, the 69 and 70 were, that Epiſcopal churches ſhould be built at the common charge throughout the government: and the 99, that no perſon ſhould keep a preſs for printing, and that no book or pamphlet ſhould be printed without the governor's licence. It was not alledged, that this reſtriction was neceſſary to remedy actual diſorders: all the pretext for it was, that

that great inconveniencies might arise by the liberty of printing in that province. Possibly his lordship was himself the suggester of these instructions. Be that as it may, his oppressive and arbitrary conduct soon rendered him detested both there and in New York; and *A. D.* 1708, Queen Ann listened to the cries of her injured subjects, and recalled him. The three succeeding governors, Lord Lovelace, Brigadier Hunter, and William Burnet, sought the good of the people, and were esteemed and regarded. See Smith's history, p. 208——355.

§. 9. What hath been extracted from the West Jersey memorial, equally confutes the charge against Chatham, Cambden, Mr Burke, *&c.* of having taught the colonies to oppose the parliament's right of taxing them. Besides, as the provincial congress in Pennsylvania observe, the opposition in America to the stamp act was fully formed, before it was known there, that their cause was espoused by any man of note at home.

§. 10. But, "is it just, when Britain hath expended such enormous sums in defending America, that America should refund no part of them?" I might reply by asking, whether Britain was at this expence, for the sake of the colonies, or for her own? Whether she could have avoided it, without enabling France and Spain, to ruin her trade and naval power, and to make her as contemptible as the success of the late war made her glorious? Whether, if one corner of our empire suffers the calamities of war, it is equitable and generous, to deprive that corner, by new and unprecedented taxations, of the joys of peace? Were not many of the colonies settled, defended, and governed at their own expence, while the mother country, till the commencement of the last war, was put to a trifling charge, or to none at all, for these purposes? Had it been otherwise, was the profit of two millions a year by the American trade, no recompence to Britain for protecting it? Or, does it contribute nothing to balance

lance accounts between the mother country and colonies, that the latter are prohibited to go to any market north of Cape Finisterre in the kingdom of Spain, and thus are constrained to sell commodities which Britain will not take from them, twice as cheap, and to purchase goods with which she cannot supply them, twice as dear, as they otherwise might: Nay, that they dare not make a hat for themselves of their own furs, and must send their iron to be manufactured in Britain, heavy as that article is, and necessary in every branch of husbandry? Has it not been pled, that the late war was undertaken, rather in defence of the new plantation of Nova Scotia, which has no concern in the present dispute, than of the elder colonies? and yet did not some of these last exert themselves in that war so much beyond what could have been justly required, that parliament thought it just to make them large reimbursements? Why then disoblige them, by interposing the authority of parliament, to procure from them grants, which, when necessary, they had cheerfully made of their own accord, without such constraint? At least in the Massachuset's colony, the burden of the late war was more severely felt than at home. Let me transcribe a curious account of this matter from Dr. Chauncy's thanksgiving sermon for the repeal of the stamp act, reprinted London 1767, page 11. note *. "I have been assured by a gentleman of reputation and fortune in Boston, that in the late war he sent one of his rate bills to a correspondent of note in London, for his judgment on it; and had this answer in return from his friend, "That he did not believe "there was a man in all England, who paid so "much in proportion towards the support of the "government." It will render the above accounts the more easily credible, if I inform the reader, that I have lately and purposely conversed with one of the assessors of this town, who has been annually chosen by them into this office for a great number of

of years, for which reaſon he may be thought a perſon of integrity, and one that may be depended on, and he declares to me, that the aſſeſſment upon this town, particularly in one of the years when the tax on account of the war was great, was as follows. On *perſonal eſtate* thirteen ſhillings and four pence on the pound, that is, if a man's income from money at intereſt, or in any other way, was 60 *l. per annum*, he was aſſeſſed ſixty times thirteen ſhilling, and fourpence, and in this proportion, whether the ſum was more or leſs: On *real eſtate*, the aſſeſſment was at the rate of ſix years income, that is, if a man's houſe or land was valued at two hundred pounds *per annum* income, this two hundred pounds was multiplied by ſix, amounting to twelve hundred pounds, that is, ſeventy two pounds was the ſum he was obliged to pay. Beſides this, the rate upon every man's pole, and the poles of all the males in his houſe upwards of ſixteen years of age, was about nineteen ſhillings lawful money, which is only one quarter part ſhort of ſterling. Over and above all this, they paid their part of an exciſe that was laid on tea, coffee, rum and wine, amounting to a very conſiderable ſum. How it was in the other provinces, or in the other towns, of this I know not; but it may be relied on as fact, that this was the tax levied in Boſton. And it has been great ever ſince, though not ſo enormouſly ſo as at that time. Every one may now judge, whether we had not abundant reaſon for mournful complaint, when in addition to the vaſt ſums, conſidering our numbers and abilities, we were obliged to pay, we were loaded with the ſtamp act; which would, in a few years, have taken away all our money, and rendered us abſolutely incapable, either of ſupporting the government here, or of carrying on any ſort of commerce, unleſs by an exchange of commodities."

§ 11. *Can the Americans with a good grace complain of tyranny in the mother country, for impoſing an eaſy and inconſiderable tax, whilſt they themſelves are riot-*

ing on the labour of thousands of their species, torn from their dearest relations, and doomed to abject and perpetual slavery? In answer to this objection, it may be asked, where did this infamous commerce orginate? Where is it still carried on with all the eagerness which avarice can inspire? Where, but in England? By what means can it be abolished? Surely by that power alone, which America acknowledges the parent state, may justly exercise over all her dominions, *viz.* the power of regulating their trade. The legislatures of some of the colonies have done what they could to put a stop to the importation of African slaves, by loading it with the heaviest duties: And others have attempted the total abolition of it, by acts of assembly which their governors refused to pass. And though they then petitioned for new instructions to their governors on this head, after all they failed of success *(e)*.

§ 12. *Granting, that some of the American claims are plausible, has not their licentious, insolent and abusive conduct in their manner of prosecuting them, merited the severities inflicted by parliament? The colonies are a part of the British empire, and therefore had no right to prohibite the importing the produce or merchandise of any other part of it. The obstructing such importation, and much more the destroying goods so imported, when the gentler step of not purchasing them might have answered the same end, was a contempt of government, and an act of injustice not to be tolerated.* That a disorderly ungovernable spirit hath appeared in the colonies, is too true. It should however be remembered, that it hath been raised and cherished by passing and enforcing laws, judged by them inconsistent with their liberty. Before the unhappy stamp act, there was not a more peaceable and loyal people than they were in the whole British empire. They rejoiced in the friendship and protection of the parent state, and gloried in her prosperity. Their

(*e*). Mr. Duche's sermon, 7th July, printed Philadelphia 1775. Page 16. Note *.

Their attachment to Britiſh faſhions and manufactures was extravagant, and every penny they could raiſe was ſpent that way, which the exchange againſt them proves. But during the non-importation agreement occaſioned by the ſtamp act, the exchange fell 16 or 17 *per. cent.* below par. I New England civil government was carried on with peculiar order and regularity, and greater care taken, than perhaps in any other country, of the morals and religious conduct of the people; ſo that if one of the higheſt rank had dared to ſwear and blaſpheme in the ſtreets, as the meaneſt common ſoldier often does in other places, he would have been ſent to jail. In Connecticut there were not, for a ſcore of years, above three inſtances of capital puniſhments. Theſe halcyon days are indeed paſt, and the conduct of the colonies, in conſequence of the tea act, hath afforded their enemies a wiſhed-for and ſpecious pretext for endeavouring to ſtrip them of ſome of their moſt valuable privileges. But while we blame where we muſt, let us alſo be candid where we can, and coolly conſider what hath been pled to alleviate acts of violence, which, it were to be wiſhed, had never been committed. And here I will take the liberty to tranſcribe part of a letter to a gentleman, from a correſpondent with whom he had expoſtulated on that ſubject.

" You don't reflect, that allowing the landing the tea, would have implied a ſubmiſſion to, and admiſſion of the act of parliament, which the principal part of America had been oppoſing. On landing the tea, the duty became payable, and the payment would have been an expreſs acknowledgment of a right in parliament to tax Americans. It is true, though the tea were landed, people were under no neceſſity of purchaſing it. But you forget, that by the act *importation* is the circumſtance which makes the tea liable to duty, and upon the importation the duty muſt be paid by one or other, whether there is or is not a purchaſer. Had

the tea been landed, the Eaſt India company would have been liable for the American duty, and the people by ſuffering it to be landed, would have tacitly conſented to the payment of the duty, and ſo admitted the act, and with it all its conſequences. But as there is no *importation* without a landing, by preventing the latter, they prevented the former, and thus got rid of the act. Indeed, even if the duty had been payable only in caſe of a purchaſe, it would not have been adviſeable to permit the landing of the tea, for a reaſon which the leaſt acquaintance with human nature will ſuggeſt.—As to the mode by which landing the tea was prevented at Boſton, you may be aſſured, the people there are not ſo culpable as they have been repreſented, if they are culpable at all. When the tea ſhip arrived, the committee met, determined that the tea ſhould be returned to the India company; ſent to the conſignees, and informed them of this determination; and then applied to the owners of the veſſel, who agreed to her going back with the tea, and to the cuſtom-houſe officers, who ſaid they would give a clearance, when all the dutiable articles were out. Application was then made to Governor Hutchiſon for a let-paſs; for the veſſel being in Boſton harbour, had to paſs the caſtle, in order to go to ſea, which ſhe could not be allowed to do without a let-paſs, *i. e.* a permiſſion in writing from the governor, which being ſhown to the officers of the cuſtoms, is a warrant to them for clearing the veſſel. The governor refuſed this requeſt, ſo that the veſſel could not go out of the harbour. If the tea had remained on board the veſſel in the harbour, by a former act of parliament it would have been ſubject to the duty, and liable to be ſeized and keeped by the cuſtom-houſe for ſecurity of the payment of it. This time was nearly expired, and there was a report, that then the cuſtom-houſe officers would immediately ſeize the tea. Some zealous friends of the colonies perceiving no alternative, but to give up

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their own liberties, and betray thoſe of all America, or to deſtroy the tea; in this unhappy dilemma, of two evils choſe what appeared to them the leaſt, the deſtruction of the tea. Indeed, they cannot be ſaid to have choſen what they were compelled to by the obſtinacy of their governor, on whom the blame ought to be laid, and not on a virtuous, oppreſſed people. Beſides, the town of Boſton cannot be juſtly charged with deſtroying the tea. Indeed, almoſt all the inhabitants of Boſton oppoſed the tea act, but the deſtruction was made by a few: and whether theſe few were Boſtonians, or even New Englanders, there is no evidence. New England's being a part of the Britiſh empire, gives no more title to the Eaſt India company to force tea upon them, than it gives to them to land hats in England. It cannot be thought ſtrange, that every colony uſed the moſt probable means of preſerving her natural and charter rights. If neceſſity conſtrained them to meaſures not agreeable, the authors of that neceſſity, not thoſe conſtrained by it, muſt bear the largeſt ſhare of the blame."

§ 13. But though theſe apologies ſhould be ſuppoſed weak, it will not be eaſy to ſhow the equity and expedience of the acts of the ſubſequent ſeſſion of parliament, founded on theſe proceedings. The Boſton port bill condemns a whole town unheard, nay, uncited to anſwer; involves thouſands in ruin and miſery, without ſuggeſtion of any crime by them committed; and is ſo conſtructed, that enormous pains and penalties muſt enſue, notwithſtanding the moſt perfect obedience to its injunctions. Have not other cities been repeatedly affected by popular commotions? Whence then is Boſton devoted to ſuch unexampled treatment? Had parliament evidence, did they even ſuggeſt, that Boſton as a town aided, abetted, and participated in theſe tumults? The records of Boſton, and known facts prove, that the inhabitants diſcountenanced and diſavowed all riot and diſorder. At the laſt town meet-

meeting relative to the East India tea, it was debated, whether the committee appointed to wait on the consignees, should be instructed to insist on their peremptory answer, whether they would send back the tea, and it passed by a large majority in the negative; and yet the destruction of the tea, which took place without any illegal procedure of the town, is the only alledged ground of consigning thousands of its inhabitants to ruin, misery and despair.——If a ship shall be seen hovering within the bay, or within one league of it, any commissioned officer of the fleet, or customs, may compel it to depart to such harbour or station, as he shall appoint. They are not limited even to harbours on the American continent. If they appoint such a station, it is favour; and what price, malice, pride, or avarice, may set on that favour, who can tell? —Another clause in this statute voids all contracts for carrying goods to and from Boston harbour, which have been made, or shall be made, as long as the act continues in force, relating to any ship which shall arrive in said harbour after 1st June. Retrospective or *post facto* statutes, have been always deemed opposite to sound morals and political wisdom: how much more, when they involve in distress innocent subjects, or the natives of other states. One has contracted to send merchandise to Boston, and when he has fulfilled his contract, is not only disappointed of the commodities he expected in return, but even of indemnification from the Boston merchant, his contract being declared to all intents and purposes null. What malignant evil justified such indiscriminate vengeance? These charged with the most aggravated crimes, are not punishable, till arraigned before disinterested judges, heard in their own defence, and found guilty of the charge. But here a whole people are accused; prosecuted by they know not whom; tried they know not when; proved guilty they know not how; and sentenced to suffer inevitable ruin. Their hard fate can-

cannot be averted by the moſt ſervile ſubmiſſion, the moſt implicite obedience to this ſtatute. Their firſt intimation of it was 10th May, and it took place 1ſt June, thence to continue in full force, till it ſhall ſufficiently appear to his majeſty, that full ſatisfaction hath been made by, or in behalf of, the inhabitants of Boſton, to the Eaſt India company, for the damage ſuſtained by the deſtruction of their tea; and until it ſhall be certified to his majeſty by the governor or lieutenant governor of ſaid province, that reaſonable ſatisfaction has been made to the officers of the revenue, and others, for the riots and inſurrection above-mentioned. What time muſt elapſe for the town calling a meeting to conſult and determine upon the meaſure; for diſpatches to England, application to the Eaſt India company, an adjuſtment with them on the nice point of full ſatisfaction, and for making the matter ſufficiently appear to his majeſty? All this done, ſtill they could have no relief till the governor certify to his majeſty, that reaſonable ſatisfaction has been made to the officers of the revenue. Litigations here would ariſe, none being appointed to judge between the ſubjects and theſe officers; or if the governor be the implied judge, no direction given, how the queſtion ſhould be brought before him, tried and adjuſted; and the Boſtonians not being like ſpeedily to procure certificates from ſuch governors as a B. or H. or to reſt in their deciſions. So ſhort a ſpace is given for ſtaying this torrent of evils, that the ſubject, tho' exerting his utmoſt energy, muſt be overwhelmed, and driven to madneſs by terms of deliverance, which deny relief till their ruin is irretrievable.——By 4th William and Mary *c.* 13. towns in Maſſachuſet's province cannot raiſe or appropriate any moneys, except to the ſupport of the miniſtry, ſchools, and poor, and the defraying of other neceſſary town charges. The clauſe *neceſſary town charges*, cannot include the moneys appointed to be paid to the Eaſt India houſe. The town did not contract that debt; and

and when our provincial legiſlatures made the above law, and procured for it the royal approbation, they could have no ſuch charge in view. The town therefore cannot make proviſion for paying that money, without breach of a law neither ſuſpended nor repealed, parliament having made no new act to enable them to aſſeſs themſelves for that purpoſe; and yet, if they don't pay the money, their ruin is inevitable.——The act does not ſuggeſt, that the Eaſt India company had made any demand for damage done their property; much leſs that they had alledged any charge againſt the town of Boſton as guilty. Whatever may be the claim of that company, by not proſecuting, they are ſuppoſed to wave it. This is the firſt inſtance where parliament has ordered one ſubject to make ſatisfaction to another; when the party aggrieved does not appear to make his regular claim; and much more uncommon is it for ſuch recompenſe to be ordered, without aſcertaining the amount to which the ſatisfaction ſhould extend. Suppoſe the Eaſt India company and officers of the revenue were made perfectly eaſy, who can ſay, how many others would ſuggeſt that they ſuffered by the riots and inſurrections above-mentioned, demand what they termed reaſonable ſatisfaction; and thus by introducing endleſs litigations, make a full compliance with the requiſitions of the act impracticable, and of courſe render permanent its ruinous conſequences.

The above reaſonings are extracted from Mr. Quincy's obſervations on the Boſton port bill, publiſhed at London 1774. To them I will add a few further obſervations on the ſame act, by T. W. a Boſtonian, publiſhed at Boſton 1774.

The ſupport of at leaſt eight tenths of the inhatants of Boſton depends on trade. Labourers and artificers of almoſt every denomination, with their wives, children and dependents, who, at the loweſt computation, may amount to fifteen thouſand, are reduced to a ſtarving condition; none of which,

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ſo far as is known, had any more hand in the deſtruction of the tea than Lord North, and few of whom were among theſe, who conſtituted the aſſemblies that have been complained of as riotous. This is the caſe of our ſhip-builders, maſt-makers, riggers, caulkers, rope and ſail-makers: of our houſe-carpenters and maſons, who have now little to do, as timber, brick, lime, *&c.* are not permitted to be landed in our harbour: of our diſtillers and ſugar-boilers, as no molaſſes nor ſugar are ſuffered to come there: of our coopers, even if they could procure ſtaves and hoops, as the work of trimming imported caſks, and making others for exportation, is at a period: of our truckmen, porters, and a numerous train of day-labourers, who muſt now ſuffer hunger, and be cloathed with rags. Nay, the ſufferings occaſioned by this act, extend to all towns on the ſea-ſhore for hundreds of miles, whoſe buſineſs is that of coaſting, as they are reſtrained from bringing to this port any merchandiſe, or carrying any out of it, however neceſſary for them. No merchandiſe is permitted to be brought even from Marblehead or Salem, the port ſubſtituted in the room of Boſton, but by land-carriage, which, though greatly expenſive, is made almoſt doubly ſo: as inſtead of fifteen miles only by going over a ferry, the neceſſary carriage is now no leſs than twenty-eight; which is as diſtreſſing to the merchants in theſe towns, as to thoſe in Boſton, as thereby deprived of a market for much the largeſt part of their Weſt India imports. Had puniſhment been only threatened, had it been at our own option, whether we would ſubmit or ſuffer, the reaſon for complaint would have been leſs. But without previous warning, in the propoſal of any terms that might have prevented the coming of evil upon us, it is inflicted with ineffable vengeance, ſo that ſhould we ſervilely ſubmit to all required, we muſt notwithſtanding ſuffer almoſt total ruin. The conditions, upon which alone our ſufferings are to be

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removed, far from being fixed with precision, are so loose and indeterminate, that a governor may, should he so please, perpetuate them during his political existence, the king in council not being enabled to open the port without his certificate. The wharfs and landing-places in Boston, which are the property of numerous individuals, and of a much greater value than all the teas the East India company have sent to this whole continent, are, as to the use of them, wherein only their value consists, wrested out of their hands, and put into the king's, to be disposed of at his pleasure. The plea for this extraordinary vengeance is, dangerous commotions and insurrections in the town of Boston. But has not that been as much the case in the city of London? yet that city was never punished for these riotous disorders, much less with a severity portending its destruction. Would Boston have been thus cruelly dealt with, had not its distance from Britain been so great, that its groans could not be heard there, so as to move indignation or compassion in our brethren.

It has been well observed in the lords protest aagainst the regulating act, that the legal condition of the subject (standing unattainted by conviction for treason or felony) ought never to depend on the arbitrary will of any person whatever: Yet the shutting up Boston harbour, does not determine on payment of a fine for an offence, or a compensation for an injury; but is to continue till the privy council think fit to revoke it.

The author of a summary view of the rights of British America, printed Williamsburgh 1774, takes notice, that, though two wharfs in Boston are to be opened again, when his majesty shall think proper; the residue, which lined the extensive shores of the bay of Boston, are for ever interdicted the exercise of commerce: so that the trade, which cannot be received at two wharfs alone, must, of necessity, be transferred to some other place.

§ 14. By

§ 14. By the regulating act, a governor may prevent all town meetings, except these for choosing town officers and representatives. No other business, however trifling or important, can be legally transacted, even in the most distant towns, so as to bind the inhabitants, without leave obtained in writing from the governor, expressing such special business; though it should happen, that if not done in less time than necessary for that leave, it cannot be done at all. Without such leave, they cannot settle a minister, lay out a new road, or raise money for mending an old one. Yea, they are forbidden to treat, *i. e.* to talk of any other matter, than the election of officers at the March meeting, and the business expressed in the governor's leave at the other meetings. Should a governor's favourite embezzle the town's money; should an admired candidate for a vacant church, be reported as a warm friend of liberty; should an oppressed town be desirous of stating its grievances and seeking redress; should electors incline to instruct their representatives, on matters of the highest concern; the governor's interest may prevent his giving them leave to act in their corporate capacity. All the towns of the colony are reduced to this slavish dependence, because it is said, town meetings have been abused, matters of general concern treated on in them, and many dangerous and unwarrantable resolves passed. It is not alledged, that they have done this wilfully and perversely: It is only said, that they have been foolishly misled; and yet on that account they must be deprived of their liberties. Administration on the same pretext, and as equitably, might suspend every American assembly; might ease itself of the opposition of the city of London, by a like regulation of their charter; nay, might prevent all corporation and country meetings in Britain, that they might be pestered with no future petitions or remonstrances: Nay, as the protest-

ing lords obſerve, the governor and council thus entruſted with power, with which the conſtitution has not truſted his majeſty, and his privy council, have the means of returning ſuch juries as may ſuit the gratification of their paſſions and intereſt. The lives, liberties and properties of the ſubject are put into their hand without controul; and the invaluable right of trial by jury, is turned into a ſnare for the people, who have hitherto looked upon it as their main ſecurity from the licentiouſneſs of power *(f)*.

The act for the impartial adminiſtration of juſtice, *&c.* is no better calculated to convince the Americans, that their lives and properties are ſafe in the hand of parliament, and to recommend implicite ſubmiſſion to their authority. The Americans are, by their charters, inveſted with the immunities of Engliſhmen. To be tried by the peers of the vicinage is one of theſe immunities. Therefore an act which declares, that an American accuſed of a crime committed within the precincts of his colony, may, if the governor pleaſes, be brought over to Britain to take his trial, militates againſt the conſtitution and common law, which the three legiſlative bodies are ſolemnly bound to maintain inviolable. The witneſſes too, however their health may be impaired, or their life endangered, by a long voyage and change of climate; and whatever their wives and families may ſuffer by the want of their labour; yet, on the receipt of ſuch a ſum, as the governor ſhall think reaſonable for them to expend, are to enter into recognizance to appear at the trial.

§ 15. Equally exceptionable is the Quebec act. While Canada was under the dominion of France, her deſpotic laws, which expoſe the lives and properties of ſubjects to continual depredations from the malice and avarice of thoſe in authority, were in

(*f*). See Gordon's religious and civil liberty, reprinted London 1775. Page 4.---8. Note *.

in force there: but when it was conquered by Britain, his majesty, by proclamation, promised to all who should settle there, a full enjoyment of the rights of British subjects. Notwithstanding this, the Quebec act annuls and makes void the said proclamation, and the government hitherto established in consequence of it, though the people of Canada, at large, never expressed a discontentment with their new establishment, or sollicited a restoration of their old, nay, by the best intelligence, were averse to the change. However this may be, the French laws and customs in all matters of property and civil right are revived, until they shall be varied and altered, by any ordinances, passed in the said province by the governor and council. Thus the antient laws of Canada are restored, liable to such variations and additions, as shall be deemed necessary by the governor and council; and as both the one and the other are appointed by the king during pleasure, they will be his creatures, and the civil rights and properties of the Canadians made altogether dependent on his will, because the power of altering them by new ordinances is unlimited. The king has only to inform the governor and council, what new laws, he would chuse to have passed, and their situation will insure their compliance. It is also provided, that nothing in the act shall hinder his majesty, his heirs and successors, from erecting from time to time such courts criminal, civil and ecclesiastical, and appointing from time to time the judges and officers thereof, as they shall judge necessary. So that the prince's prerogative enables him, if he inclines, to establish the most iniquitous, cruel and oppressive courts; and to appoint temporary judges and officers, whom he can displace and change, as often as he pleases. The criminal laws of England are indeed established, but that important privilege is rendered uncertain, by a clause which makes them subject to such alterations and

amendments as the governor, with the advice of the council, ſhall from time to time cauſe to be made therein. Under this notion, the king, through the medium of his creatures, the governor and council, may entirely new mould the criminal laws of Canada, and make them ſubſervient to the moſt tyrannical views. It has been denied that the right of trial by juries is taken from the Canadians; and pled, that their provincial legiſlature may introduce them when they pleaſe, and it is expected will, as ſoon as the inhabitants deſire, and the ſtate of the country admits it. But a civil right is that which law and conſtitution confer, not that which may be derived from the arbitrary bounty of thoſe in authority. The poſſibility that the legiſlature of Canada may hereafter introduce trials by juries, does not imply a right in the people to enjoy them. Thus, by this act, the whole legiſlative, executive, and judiciary powers are ultimately and effectually, though not immediately, lodged with the king. By the ſame act, the church of Rome has the ſanction of a legal eſtabliſhment, in the province of Quebec: proviſion being made not only for the protection, but for the permanent ſupport of Popery, by the clauſe, *that the clergy of the church of Rome may hold, receive and enjoy their accuſtomed dues and rights*, &c. Much ſtreſs has been laid on the word *may*, as a bare permiſſion to the clergy to enjoy their uſual emoluments. But if they *may* if they pleaſe, there muſt be a correſpondent obligation on their pariſhioners, to pay theſe dues, when required. What the law gives an unconditionable permiſſion to enjoy, no perſon can legally with-hold from us: It becomes our property, and we can enforce our right to it. *Tithes in Canada*, it is ſaid, *are the property of the Romiſh church; and permitting a tolerated church to enjoy its own property, is far ſhort of the idea of an eſtabliſhment.* Certainly, previous to the ſurrender of Canada, the Catholic religion was eſtabliſh-

bliſhed there by the laws of France; and tithes were on that account the legal property of the church of Rome, and could not be with-held by the laity, though ever ſo much diſpoſed to it. But, after the ſurrender, the French laws being no longer in force, the eſtabliſhment of the Romiſh church, and her property in tithes ceaſed of courſe. It is true, the clergy may have continued to enjoy them: but it was at the diſcretion of the laity, to with-hold, or abridge them, if they thought proper. But by the late act, the church of Rome is reſtored to her former legal claim to tithes, which ſhe before received only from the voluntary bounty of her proſelytes. The characteriſtic difference between a tolerated and eſtabliſhed religion is this: With reſpect to the ſupport of the former, the law is poſitive and improvident; leaves it to thoſe who profeſs it, to make as much, or as little proviſion as they judge expedient, and to vary that proviſion as they pleaſe: But with reſpect to the ſupport of the latter, the law is active and provident. Certain preciſe dues (tithes, *&c.*) are annexed to the clerical office, independent on the will of the people; which is exactly the caſe with the Canadian prieſts, and therefore no impartial man will doubt that Popery is eſtabliſhed in Canada. It is often aſſerted, that ample proviſion has been made by the act for the future eſtabliſhment of the Proteſtant religion. And indeed, after the clauſe, that "The clergy of the "church of Rome may hold, receive and enjoy "their accuſtomed dues and rights." This clauſe follows: "Provided nevertheleſs, that it ſhall be "lawful for his majeſty, his heirs and ſucceſſors, "to make ſuch proviſion out of the reſt of the ſaid "accuſtomed dues and rights, for the encourage-"ment of the Proteſtant religion, for the mainte-"nance and ſupport of a Proteſtant clergy, within "the ſaid province, as he or they ſhall, from time "to time, think neceſſary and expedient." But

when the Romiſh clergy receive their accuſtomed dues, where ſhall we find that *reſt* or remainder, which is to be applied for encouraging Proteſtantiſm? Beſides, had there been really proviſion made to be applied at the diſcretion of his majeſty, ſtill no Proteſtant would conſent to let the free exerciſe of his religion depend on the meer pleaſure of any man, as thus it muſt be rendered inſecure and precarious. Yet by this act, it is in the king's power, to keep the Proteſtants of Canada for ever diſpoſſeſſed of all religious immunities. If this act were juſtifiable, in relation to the province of Quebec within its antient limits; there is no pretext for it, when conſidered as annexing ſo boundleſs an extent of new territory to the old, and placing the whole under the ſame exceptionable inſtitutions civil and religious. The preſent policy of the act is this. By giving a legal ſanction to the accuſtomed dues of the prieſts, it was intended to intereſt them in behalf of adminiſtration; and by means of all the dominion they poſſeſs over the minds of the laity, together with the appearance of good will towards their religion, to prevent any diſſatisfaction which might ariſe from the loſs of their civil rights, and to gain their aſſiſtance in ſubjugating the other colonies. The future police of it demands particular attention. The nature of civil government will hereafter put a ſtop to emigrations from other parts of the Britiſh dominions thither, and from all other free countries, and the advantages ſecured to Popery diſcourage all Proteſtants, ſo that the province will be ſettled and inhabited by none but Papiſts. If lenity and moderation are obſerved in adminiſtring the laws, the natural advantages of this fertile infant country, united to the indulgence given to their religion, will attract droves of emigrants, from all the Roman Catholic ſtates in Europe: and thus the old colonies, in time, will find themſelves encompaſſed with a numerous hoſt of neigh-

neighbours, disaffected to them, both because of difference in religion, and government. How dangerous their situation would be, let every man of common sense judge *(g)*.

§ 16. How important it is to Britain, that Protestantism should prevail in the colonies, and what danger there is of the contrary, let me set before my readers, from the most respectable and unexceptionable authorities.

Abp. Cornwallis's sermon before the society for the propagation of the gospel in foreign parts, 20th February 1756. *p.* 17. "I do not see how our colonies, situated as they are, and little able by their own means, to provide themselves pastors and instructors, are likely to continue in the Protestant principles, without our aid and liberality. For the Papists lying always in wait to deceive, creeping into every house, and leading captive the ignorant and unwary, have a fair opportunity of instilling their doctrines, and seldom fail of success, in places where religion is either made a matter of indifference, or where there is a failure of such persons, as are fitted to counteract their designs, and to prevent the poison of their insinuations; and if our colonies change their communion, we shall be in great danger of losing the fruits of their industry. For a forsaking their Protestant principles will necessarily terminate in a change of their allegiance; and if they quite our faith, they will leave us little hope of retaining their friendship: And we may say in general, without any offence against charity, and without any severity of judgment, that it is as difficult to conceive how a sincere Papist can be a good subject in a Protestant nation, as it is to conceive how a person can be faithful to our interest, who looks upon it as a duty to act in opposition to it."

Bp.

(*g*). This section is an abridgment of remarks on the Quebec bill, by the author of the Farmer Refuted, inserted in Rivington's New York Gazetteers, 15th, and 22d July 1775.

Bp. Ellis's society sermon, 1759. p. 28. "If by such means the number of Papists should much increase in the British colonies, there would be so many more certain enemies to the interest of the nation. In which case, they would either endeavour to throw off their dependence upon it, or would betray and give up the colonies to a neighbouring power, our enemy there as well as in Europe, who always will be ready to receive and support them. As the great importance of those colonies to this kingdom is now understood, it is easy to conceive what their loss would be to us, especially should they come into the possession of an enemy sollicitous to impair, and, as far as possible, ruin our commerce, who therefore would improve all advantages, which these colonies might afford, to the height, against us: perhaps so far, as to become, at length, superior to us in maritime power, in which case, the way would be visibly opened to our final destruction."

Bp Terrick's society sermon, 1764. p. 28. "The toleration of the free exercise of the Popish religion in the conquered countries, however it may reflect honour on the lenity and moderation of our principles, calls for all our caution to guard against that zeal and bigotry which will watch every opportunity of making converts among those, with whom they must have a constant intercourse, by living under the same government, and of infusing into the neighbouring Indian tribes, too readily disposed by their natural rudeness and barbarity to be savage and cruel in their manners, the spirit of a religion which will give an edge to every revengeful and inhuman passion, and teach them to be our most dangerous and destructive enemies from principle."

State of the society from, 1766, *to February* 1767, *p.* 47. The Rev. Mr Moreau, the society's missionary to the French at Lunenburg, Nova Scotia, writes, that the Indians had shown him the copy of

of a letter, which they are told was written by Jesus Christ to the Bishop of Luçan in France to be sent to them: It is signed by two persons, who say they had received it from the said Bishop to be distributed among the savages: Each of them has a copy of it, which they wear next their heart. The letter is filled with the greatest absurdities imaginable. They are therein threatened with eternal damnation, if they fail in any point of the Romish religion; and, on the contrary, are promised eternal happiness, if they separate from these of a different opinion. They are never to die a sudden death, nor be drowned, nor perish in war, so long as they have this letter next their heart.

Ib. p. 50. Mr Baily, the society's itinerant missionary on the Eastern borders of Massachuset's Bay, writes, that a great number of Indians, the remains of the ancient Norridgewalk tribe, frequent that neighbourhood. They have a great aversion to the English nation, chiefly owing to the influence of Roman Catholic missionaries, who instead of endeavouring to reform their morals, comply with them in their most extravagant vices, and teach them, that nothing is necessary to eternal salvation, but to believe in the name of Christ, to acknowledge the Pope his holy viceroy, and to extirpate the English, because they cruelly murdered the Saviour of mankind.

§. 17. These things are by the great and the many now forgotten. Popery is esteemed politically innocent, nay friendly to government: and the principles of Dissenters are traduced as seditious and rebellious. The late disturbances in the colonies are adduced in support of this charge, and are painted in the most aggravated and ugly colours: while the riots and murders committed by the White Boys in Ireland are never mentioned as indications of an unpeaceable and ungovernable spirit in Catholics. It is not remembered, that the Episcopal colonies

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of Virginia and Carolina, have discovered the greatest zeal and warmth of any of the colonies in opposition to the measures of administration, New England that immediately suffered by them excepted:—That the dissenting colonies of New York, Pennsylvania and New Jersey have been esteemed the most moderate: that the Presbyterian clergy in the middle colonies exerted their utmost endeavours to allay the heats occasioned by the stamp act, and, till very lately, took no part, either from the press or pulpit, in the present contentions: and that the convulsions in America originated from causes no way connected with the peculiar sentiments of any religious sects, and which, if there had been a Catholic colony of Corsicans, would have operated upon them, as much as upon the Congregationalists of New England.

How small a share of the indulgence shown to the Papists in Canada, hath been granted to the Presbyterians in New York, though that country, when conquered from the Dutch, was Calvinist and Presbyterian! I know that their opposing the introducing bishops into America, hath been complained of as indicating an intolerant, bigotted and illiberal spirit. But the candid, when apprized of facts, will cease thus to complain, and rather admire their patience under hardships and sufferings. Perhaps in America there may be five Dissenters for one Episcopalian. In New York colony, two thirds of the inhabitants are Presbyterian, and not above a fifteenth part church of England. All the former ask is, charters of incorporation, to secure the property of their churches, and to recover legacies. Such a charter is readily, and very justly and properly, granted to the most inconsiderable Episcopal society in the province. But four times has the most flourishing and respectable Presbyterian society in it, applied to government for a grant so innocent to others, and so essential to themselves, and as

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often been disappointed. For want of such a grant, they have been obliged to convey the rights of their place of worship to the general assembly of the church of Scotland; they have lost a hundred pound lately bequeathed them, the Episcopal executors keeping the money to themselves, because they know payment could not be compelled by law; and they must lodge their money in private hands, whose honesty is their only security. No wonder then they oppose the introducing of the whole body of Episcopacy, when they find its little finger so burdensome. They wish not to deprive others of their religious rights. They only desire sufficient security for their own: and that granted, the Episcopalians, without any obstruction from them, may have their bishops as soon as they please.

§. 18. It was natural for all the American colonies to unite their councils, in order to procure a repeal of the above mentioned acts of parliament, and a redress of the grievances occasioned by them. With this view a continental congress was appointed and met. Probably the legality of this meeting was not very scrupulously considered, and most of its members would reckon a small violation of human laws excusable, when necessary for preserving natural and charter privileges. Their particular assemblies had sent repeated petitions to parliament, which had been refused; some, because they were against money bills; and others, because they disputed the rights of the British legislature. On other occasions, legal methods of presenting their remonstrances and complaints were obstructed, by governors dissolving, or refusing to call the Provincial assemblies. When the old constitutional channel of conveying their sentiments was thus stopped, it was not to be wondered at, that they thought it necessary, to adopt a new method of doing it, that, though possibly less legal, might perhaps prove more effectual. Besides, an act of the

the firſt of William and Mary, declares the right of ſubjects, to preſent their grievances and petitions to the king for redreſs. And if they have ſuch a right, ſurely they may depute ſome of their number to act for them in exerciſing it. I wiſh all their proceedings admitted as favourable an apology. Non-importation and non-exportation agreements may be legal: for if men may trade or not as they chuſe, I cannot ſee, why united reſolutions of doing what is legal, can be contrary to law. But of the equity, prudence and moderation of that meaſure I am not ſatisfied. And if more of the ſpirit of the Pennſylvania provincial congreſs had appeared among them, perhaps they would have had leſs cauſe to confeſs, and Britons and Coloniſts to regret, their having done the things they ought not to have done, and omitted the things they ought to have done. But I am writing to Britons, not to Coloniſts. From the interruption of correſpondence with America, I am not ſufficiently inſtructed in the proceedings of that congreſs, or of what hath happened ſince, to make particular reflections. Without breach of charity or truth, or adoping the unjuſt and aggravated charges on either ſide, I may apply to both Horace's deſcription, *Ep.* 2.

Seditione, dolis, ſcelere, atque libidine, et ira,
Iliacos intra muros peccatur et extra.

§. 19. From the continuance of the breach, more and worſe evils may be dreaded. It is high time for both ſides to conſider, not ſo much what they can juſtly claim, as what they can ſafely yield; and whether it is not beſt to ſecure advantages from their mutual connection, which may be ſecured without the further effuſion of bood, or endangering the complete and final diſſolution of their connection. Of the laſt ſome can think and talk with great-indifference. I muſt be excuſed in differing from them, as I apprehend the diſſolving of their connection would ſoon prove the ruin of both coun-

countries. The consequences to Britain are obvious. "The colonies are the source of our wealth; "from whom our commerce receives its very life "and existence, and our naval strength its conti-"nual supply and increase (*h*)." The customers we gain in foreign trade, we possess under restrictions and difficulties, and may lose in the rivalship of commerce. Those that a trading nation can create within herself, it deals with under its own regulations, makes its own, and cannot lose. In establishing colonies, a nation creates people, whose labour increases her manufactures and exports, and extends her power: on which valuable consideration they have a right to the privileges and protection which they receive (*i*). The West Indies must dreadfully suffer, if not starve, by having their commerce stopped with North America. They get all their bread and flower, staves, heading and hoop poles, and most of their animal food from thence, and must for ever depend on North America, because they cannot form a magazine of provisions, on account of the heat and vermin, and cannot be regularly and constantly supplied from any other quarter. Thousands employed in the American trade, must suffer by the want of that market: and the treasury must be greatly impoverished, by a period being put to exportations from America. The duty of tobacco exported from Virginia to England amounts to 300,000l. sterling per annum; what then must be the amount of all the duties paid by the produce of all the colonies? And what must the nation lose by such a deduction from her annual income?

§ 20. But some will plead, there is no danger of the colonies succeeding in the present contest. They are a dastardly pusillanimous people; and though some of them can fight when sheltered by dykes

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(*h*) Bp. Johnson's society sermon, 1758. p. 10.
(*i*) Pownal's administration, part I. p. 38.

and hedges, the numerous fleets and land forces we are about to ſend to America, will ſoon ſubdue their obſtinacy, and reduce them to reaſon.—— I am not convinced, that the Americans are wanting in ſpirit and courage. The raiſing fortifications provided by God and nature, is no more an argument of cowardice, than our army guarding againſt attacks by works of their own raiſing. Fortitude and fool-hardineſs are different. When a falſe rumour ſpread through New England, that the fleet and troops were firing upon the town of Boſton, there were thirty or forty thouſand men in arms in leſs than twenty-four hours, and ſome of them had marched from twenty to thirty miles, towards Boſton before they were undeceived. An enthuſiaſtic paſſion for liberty has often undertaken the moſt deſperate deſigns, and yet ſucceeded in them. And if I may judge by converſations with North Americans, or by the ſentiments or ſtile of their letters and publications, ſuch a ſpirit is ſtrong and prevalent among them. Let me mention one inſtance. When in the continental congreſs 1774, the danger of a rupture with Britain was urged as a plea for certain conceſſions, Mr. Samuel Adams roſe up, and among other things ſaid, "I ſhould adviſe per-
" ſiſting in our ſtruggle for liberty, though it was
" revealed from heaven that 999 were to periſh in
" the ſtruggle, and only one of a thouſand to ſur-
" vive and to retain his liberty. One ſuch freeman
" muſt poſſeſs more virtue, and enjoy more happi-
" neſs than a thouſand ſlaves; and let him pro-
" pagate his like, and tranſmit to them what he
" hath ſo nobly preſerved." Tell them, that our fleets can reduce to aſhes all their maritime towns. They readily acknowledge it, but coolly reply, that however deep and heavy ſuch a calamity would prove to many of them, they would deem liberty cheaply purchaſed, at the expence not of Boſton only, but of all their harbours. The ſuperiority of

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our officers, military discipline, artillery, and pecuniary resources, they do not dispute: but flatter themselves these advantages will be balanced by their union and number: and that more vigorous exertion and persevering steadiness are to be expected in those who fight from principle, than in men hired to hazard their lives for sixpence a day, and who by running away may earn two shillings a day for their work; or get land, where they may live plentifully, and provide for their wives and families. They believe that all the military force of the mother country is unable to conquer, or if conquered to secure the subjection of their wide extended continent. In the first, I suppose they will find themselves mistaken, and that Britain, though with greater difficulty, and at a more enormous expence than administration once apprehended, may turn a once fruitful and flourishing country into a waste and desolate wilderness; rival states with pleasure, permitting conquests, from which, though our fleets and armies may reap laurels, they alone will derive profit. We may probably pull down American grandeur, but in pulling it down, we bid fair to bury the honour and happiness of the British empire in the ruins. Or, if America, without being ruined, should be subdued, if to prevent her utter destruction, she should submit to terms of pacification that appear to her cruel and unjust: Is it not probable that resentment and hatred against Britain will be transmitted from father to son, and the first opportunity seized, of shaking off the galling yoke? Measures of severity may increase our power for a season, but the affection of the colonies alone can render it permanent. A little yielding in this critical season, may in no distant period prevent our losing all. From the vast fleets and armies that have been sent to America, from the great majority in favours of administration in both houses of parliament, and from the weak and inconsiderable opposition

position made to these measures in most parts of the united kingdom; sober-minded Americans must dread the most calamitous consequences from war with Britain, and be disposed to make every concession that they account compatible with the security of their liberty. If we ask more, we may drive them to a despair, which, when too late, we may repent our having provoked. A foreign power at war with us, may furnish them with the means of becoming independent. Or, as Governor Pownal has conjectured *(j)*, "A commander in chief of all North America, in the possession of his power of levying forces and carrying on war, like another Monk, may negotiate to deprive the prince of his power, or the subject of liberty: nay, when the nation is engaged in some future dangerous war, may erect a new empire in America." Our artful and ambitious neighbour, when she perceives us sufficiently weakened by an expensive and bloody contention with our colonies, may attack us when most unable to resist. At least, it is not improbable, that in some future struggle with our natural enemies, we may fatally succumb, for want of these assistances of men and money, which, had we acted a wiser part, the increased number and wealth of our colonies would have enabled, and their affection and gratitude inclined them to have furnished us. To some, who dislike the Colonists for their attachment to revolution principles, and to the illustrious house of Hanover, and who wish the crown of Britain on the head of a Popish pretender, this may appear not an evil to be deprecated, but a consummation devoutly to be wished for. For that class of men, the foregoing sheets were not intended. An honest Tory, an honest Jacobite, I respect. Though I despise and detest the principles of passive obedience, non-resistance, and indefeasible hereditary right; I venerate and love the men, who from a conscientious regard

(*j*) Pownal's administration, part I. p. 97.

regard to theſe principles, have riſqued or forfeited their fortunes or lives. But I cannot reſpect, I muſt deteſt, treachery and deceit. I cannot reſpect the men, who call themſelves the king's friends, nay claim a monopoly of that title, or at leaſt would exclude from it every Whig who underſtands his principles, and thinks and acts conſiſtently with them; while they rejoice in the proſpect, that the contentions of our ſovereign's true friends, may overturn his throne and Britain's liberty. I would not involve in the charge of ſuch black diſſimulation, any whoſe words or actions have not given evidence of it. I acknowledge, that men who condemn the revolution, may be conſcientious ſubjects to his majeſty, and I well know ſome of them, who would deem rebellion againſt him criminal. Yet ſurely, ſome jealouſy, that there may be a ſnake in the graſs, is almoſt unavoidable, when individuals and communities which till lately laboured under the ſtrongeſt ſuſpicions of diſaffection to government, commence, all of a ſudden, the moſt zealous advocates for the meaſures of adminiſtration.

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