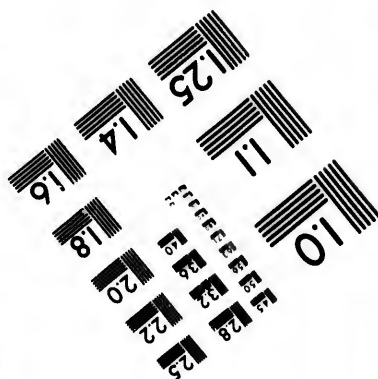
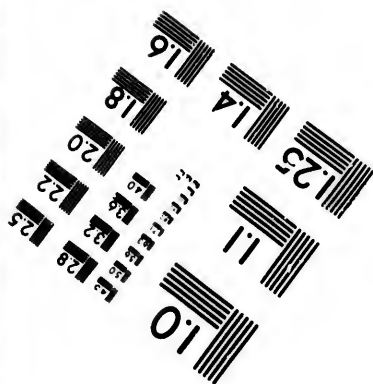
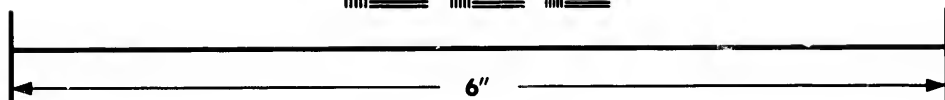
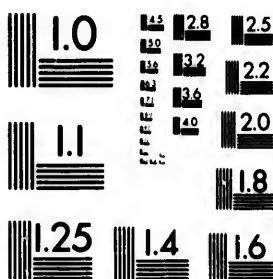


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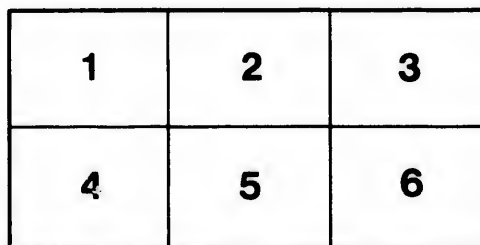
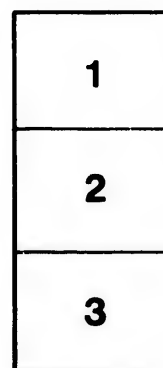
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OBSERVATIONS
ON
THE RIGHTS
OF THE
BRITISH COLONIES
TO
Representation
IN THE
IMPERIAL PARLIAMENT,
BY
DAVID CHISHOLME.

Pulchrum est bene facere Reipublicæ.

THREE-RIVERS:
PRINTED AND PUBLISHED BY G. STOBBS,
AND SOLD BY ALL BOOKSELLERS.

—
1832.

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**ENTERED** according to the Act of the  
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thousand eight hundred and thirty two, by  
**DAVID CHISHOLME** in the Clerk or Pro-  
thonotary's office of the Court of King's  
Bench for the District of Three-Rivers.

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IN

THI

To

THE HONOURABLE

MATTHEW BELL,

**IN TOKEN OF HIGH ESTEEM,
AND SINCERE REGARD,**

THIS WORK IS RESPECTFULLY INSCRIBED

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PREFACE.

THE following pages are not submitted to the public with any views to professed authorship ; but rather as an humble effort on the part of a very humble individual to be of some little service to his country. The subject of which they presume to treat has, at different times and on various occasions, been agitated ; but it has endured the slumbers of nearly half a century. It was the disturbed and perilous situation of our colonies which first gave birth to the idea of colonial representation in parliament. It is to the same cause that we owe its revival at the present conjuncture. But this need not be dwelt upon here.

I have elsewhere stated that colonial representation in the Imperial Parliament had for several years been a favourite subject in my mind ; and perhaps my familiar friends will do

me the justice to remember, that, in private conversation, I had frequently, and I fear too obtrusively, urged the necessity of this great measure, long before it became a topick of publick discussion in the course of last year. It is, however, far from being my intention on the present occasion to build any claim of merit on such a foundation. It is now evident that the thoughts of many others have been similarly employed. In explanation, at the same time, of my original design, as stated in the introduction, I think it proper to mention, that a great proportion of the following work had gone through the press several weeks before the report of the debates in the House of Commons on Mr. Hume's motion for Colonial representation, had been received in this country. As will be seen from the introduction, it had been my intention to have prosecuted the present question through all the grounds of the *justice, utility, necessity, and*

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practicability of colonial representation, as well as of the *rights* on which I conceive it to be founded. The perusal of this parliamentary report, which forms the Appendix to this work, induced me to change my original plan, and to confine myself merely to a discussion of the RIGHT of the colonies to be represented in parliament. I thought that if I could succeed in establishing this fundamental principle, there would be no occasion to proceed farther: especially as the very valuable and important documents contained in the appendix, exhibited at one glance every argument that it could be possible to urge in support of my first design. Here then I paused. It now remains with the publick to judge, whether I have made out a case. If I have,—and I do not altogether despair,—I leave it to the wisdom of a great and enlightened nation to devise the means for the accomplishment of a measure

which involves the unity and very existence of the British empire.

I know not whether, agreeable to the rule laid down by Sallust, the style of the following work is suited to the subject. There are but few inducements in the Provinces to prosecute literary renown ; and I have had myself but few opportunities for cultivating the noble art of composition. I therefore throw myself entirely on the mercy of the criticks. I do not pretend to be wise beyond my compeers in life. I lay no claim to either ability, knowledge, or learning, beyond what may be enjoyed by every individual composing the circle of society in which I move ; and, perhaps, it is to the temerity of my disposition, and my zeal in what I conceive to be a just and upright cause, rather than to any intellectual endowment, that the reader owes the present obtrusion upon his quiet.

Three-Rivers,
13th March, 1832.

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COLONIAL REPRESENTATION.

CHAPTER I.

Introduction.

HAVING been long of opinion that no measure is better calculated to consolidate the power and interests of the **BRITISH EMPIRE** than a parliamentary union with her Colonial dependencies, I am glad to find that the proposition has, at last, become a great object of national attention and inquiry. It is indeed a noble, important and interesting object : well worthy of serious examination, and, I should hope, the immediate adoption of a great and magnanimous people. I have no hesitation to assert, that on the accomplishment or rejection of this measure depends the connexion subsisting at present between the Mother Country and her Colonies. There is a storm gathering along the far horizon of our colonial dominions which will not be

easily dispelled. It is time then to be on the watch. It is high time for those who are at the helm of our affairs to guard against danger; for should the storm once burst upon us, great indeed will be our wreck.

It is true that the question is one which, on a former critical occasion, was largely though unsuccessfully discussed. But it was discussed on principles widely differing, both in the object and the mode of attainment, from those upon which it is presumed at present to lay the foundation of our hopes. When the evil spirit of rebellion seized the minds of the old Colonies, in consequence of the attempts—I am compelled to call them the unconstitutional attempts—which were then made to raise a revenue in the provinces in aid of the public resources of the Mother Country; and it was discovered the provinces would not endure to be internally taxed in a parliament in which they were not represented, wise and prudent men, who admitted the reasonableness if not the necessity of the measure, without approving of the means by which it was proposed to enforce it, at once perceived the danger to which the country would be exposed, if no provision could be made for warding off the perils with which she was then unfortunately surrounded. Among the many schemes proposed and discussed for the accomplishment of this purpose, none, for a time, seemed to be more

plausible, or to experience more general and willing acquiescence, than a national and perpetual union with her colonies, with the view of affording them direct representation in the Imperial Parliament. The experiment was not altogether without example, as we shall afterwards find ; and was certainly worthy of a great country. It deserved the attention which was paid to it, and the deep though transient interest taken in it. But like most questions of the day, it met with powerful and resolute opponents. As it was a bold, so it was considered a gigantic scheme. Few minds could grasp it ; and still fewer venture to detail its operation and ultimate consequences. Thus, being afraid to abandon the smooth and flowery track of theory, and approach the project even in outline, men—and they were good and wise men, too—kept aloof from it altogether ; and vainly pursued in another direction an end to which this measure alone, if duly considered and prudently prosecuted, would have brought them in security and safety. It must, however, be admitted, that great and constitutional as I have ever thought, and must ever esteem this project, it contained, at that period, two inherent and radical errors which must have ensured its ultimate failure and destruction at any time and almost in any country. 1. Its object was to impose a heavy and perpetual tax upon a people hitherto unaccustomed to inland imposts,

except by their own suffrages in their local legislatures ; and a people withal extremely jealous of their rights and liberties. 2. The effect of it would have been to annihilate those local legislatures, in which the Americans placed unlimited confidence ; and by compelling the Colonies to send representatives primarily and directly to the Imperial Parliament, would be attended by the additional blighting effect of at once cutting short the ambition and lowering the dignity of the provincial representatives, as well as of depriving their constituents of that just and very natural pride, which even amongst the rudest nations, has ever been attached to the liberty of meeting, and the power of discussing in general assemblies, their own concerns. These are rights and immunities which but few, endowed with common feelings and sentiments, of our nature, would willingly give over. It would in truth be injurious to the noblest faculties of the mind, as well as adverse to the fundamental principles of our Constitution. No wonder then if the project entirely failed. I trust it is not intended to revive it loaded with similar errors, and doomed to be frustrated by the same inauspicious patronage. My own views are very different ; and, accordingly, my hopes of ultimate success are very sanguine.

I humbly propose therefore, to the best of my ability, and with such materials as I can command at a retired spot far from public li-

braries, and upwards of three thousand miles distant from the mother country, to devote a few leisure hours, the intervals of daily avocations of quite a different description, to the discussion of the justice, utility, necessity and practicability of *Colonial Representation in both Houses of Imperial Parliament*—taking care at the same time to reserve to such of the Colonies as do now or may hereafter enjoy them, the free and uncontrolled exercise of their provincial assemblies: these being upon the whole as enlightened and adequate to their duties as it is possible to be desired under present circumstances.

As I have not taken up the subject without duly weighing its difficulties as well as its importance, I shall beware of plunging into it before considering, with equal attention the lights which historical discussion—if I may use the term—may have already thrown upon a topic in which two hemispheres, including a population of 130,000,000, are deeply and I may add anxiously interested. Precipitancy was never found in the train or company of reason; and the landmarks planted by the hand of wisdom, ought ever to guide us in the path of change and innovation. *It ought to be the first care of a reformer to prevent any future reformation.* I shall therefore proceed to retrace, as fully and impartially as I am able, all the arguments that my limited resources will admit,

as well in favour of, as against the theme I have here proposed to myself. In this way we shall at once be brought into the heart of the discussion ; and thus, as if from a focus, after gathering around us the various conflicting opinions of the sages and politicians of the days of other times, be better prepared to come to a decision on the point more immediately under consideration.

CHAPTER II.

Historical Sketch of the proposition. The opinions of Pownal—Smith—Grenville and Burke, stated.

As soon as the tendency of those unjust and unhappy measures which led to the rebellion of the old American Colonies had been foreseen, many individuals eminent in literature and famous for political sagacity, endeavoured to devise measures for reconciling the hostile parties to each other, and for securing on more equitable terms of protection and obedience, and on a more permanent basis, the connection which had so long and so happily subsisted between them, but then on the eve of perpetual dissolution. Many plans it is well known, were proposed ; many schemes invented ; and many opinions advanced ; but, as I have already observed, none of these seemed for a time to have been more favourably received and more warmly discussed than a parliamentary union with the colonies. Of the advocates of this salutary and constitutional measure, the first and best was Governor Pownal : no com-

mon man : one who had served his country in the colonies, both in a civil and military capacity, long and faithfully ; and who almost on every occasion, both foresaw and foretold the result of the fatal policy adopted in his time with respect to the colonies. Indeed he could have been no ordinary individual who could venture to have thus spoken of himself on a momentous and celebrated occasion : "As I never presume to assert any thing in this house in which I am not grounded as to the fact or the truth ; as I have never asserted any thing which the House has not found to be true in the event ; so upon such important matters as I shall now disclose, I will not do it without accompanying that which I shall assert with the actual proofs."* The fourth edition of Governor Pownall's book on the administration of the colonies, published in 1768, and from which I propose to make some extracts, is now before me. But before making these extracts, I must in justice to this wise and eminent man, state, that not in this work only, but in all his speeches in Parliament, and the whole tenor of his public conduct, there appeared to have been no object to which he was more devotedly attached, and no topick which he more ably discussed, than colonial union and representation. Even af-

* See Parliamentary Register, Vol. ix. p. 50.

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ter the declaration of American independence and it was generally acknowledged that the fate of the colonies had been for ever sealed, Governor Pownal strenuously urged Parliament to *extend* the powers of the Commissioners sent to America, "to enabling them to treat and consult, and finally agree, and acknowledge the Americans as independent *on condition*, and in the moment, that they will as such, form a federal treaty offensive and defensive and commercial with us." But his request was as vain as his scheme of representation had been unsuccessful. I proceed to describe this scheme in the Governor's own words.

"It is therefore the duty of those who govern us," says he, "to carry forward this state of things to the weaving of this lead into our system, that Great Britain may be no more considered as the kingdom of this Isle only, with many appendages of provinces, colonies, settlements and other extraneous parts, but a *Grand Marine Dominion, consisting of our Possessions in the Atlantic, and in America united into one Empire, in a one center, where the seat of Government is.*

"If it should be thought difficult and hazardous to extend the legislative rights, privileges and pre-eminences, the true Imperium of Government, to wheresoever the dominions of the state extend, the administration must be content to go on in this ptolomaic system of policy, as long as

the various centers and systems shall preserve their due order and subordination ; or to speak in a more apposite idea ; if we would keep the basis of this realm confined to this island, while we extend the superstructure, by extending our dominions : we shall invert the pyramid, (as Sir William Temple expresses it,) and must in time subvert the government itself. If we chose to follow the example of the Romans, we must expect to follow their fate.

“ Would Statesmen, on the other hand, doubt for a while the pre-determined modes which artificial systems prescribe ; would they dare to look for truth in the nature of things ; they would soon adopt what is right, as founded upon fact. They would be naturally led into the true system of government, by following with the powers of the state, where the actual and real powers of the system of things lead to. They would see that by the various and mutual interconnections of the different parts of the British dominions, throughout the Atlantic, and in America ; by the intercommunion and reciprocation of their alternate wants and supplies ; by the combination and subordination of their several interests and powers ; by the circulation of their commerce, revolving in an orbit which hath Great Britain its center : that there doth exist, in fact, in nature, a real union and incorporation of all these parts of the British dominions, *an actual system of dominion* ; which wants only to be avowed and actuated

by the real spirit in which it moves and has its being ; by that spirit which is the genuine spirit of the British Constitution :—by that spirit from which the British Government hath arisen to what it is : by the spirit of extending the basis of its representative legislature, through all the parts to wheresoever the rights, interest or power of its dominions extend : so as to form (I cannot too often inculcate the idea) *A Grand Marine Dominion, consisting of our Possessions in the Atlantic, and in America, united into one Empire, in a one center, where the seat of Government is.*

“ This measure has been, and I dare say will be generally treated as impracticable and visionary. I wish these declarations of power, with which we mock ourselves, may not be found the more dangerous delusion. Such is the actual state of the really existing system of our dominions ; that neither power of government, over these various parts can long continue under the present mode of administration ; nor the great interest of commerce extended throughout the whole, long subsist under the present system of the laws of trade : Power, when used towards them, becoming self destructive, will only hasten the general ruin.

“ To this measure, not only the Briton but the American also now objects, that it is unnecessary, inexpedient and dangerous. But let us consider their several objections.

“ The Briton says that such measure is unnecessary, because the power of Parliament extends to all cases and purposes required. Be it allowed that this power does, in right and theory thus extend : yet surely the reasoning, the precedents, the examples, and the practice of administrations do shew, that something now is necessary in this case.

“ The American says it is unnecessary, because they have legislators of their own, which answer all their purposes. But each colony having rights, duties, actions, relations, which extend beyond the bounds and jurisdiction of their respective communities ; beyond the power of their respective governments : The Colonial legislature does certainly not answer all purposes ; is incompetent and inadequate to many purposes. Something therefore more is necessary, *either a common union among themselves*, or one common union of subordination, under the one general legislature of the state.

“ The Briton says that it would be inexpedient to participate with, and communicate to the colonists, the rights and privileges of a subject living and holding his property within the realm ; to give these rights to people living out of the realm, and remote from it, whose interests are rival and contrary, both in trade and dominion, to those of this realm. But the scheme of giving representatives to the colonies annexes them to, and incorporates them with

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the realm. Their interest is contrary to that of Great Britain, only so long as they are continued in the *unnatural artificial* state of being considered as external provinces; and they can become rivals only by continuing to increase in their separate state: But their being united to the realm, is the very remedy proposed.

“The American says, that this measure is inexpedient; because, if the colonies be united to the realm. and have participation in the legislature, and communication of the rights and privileges of a subject within the realm, they must be associated in the burden of the taxes, and so pay a share of the interest and principal of the national debts, which they have no concern in. This is literally the objection which was made by the Scots, at the proposal of the union of the two kingdoms; and came indeed with reason and propriety, from an *independent Sovereign Kingdom*, which had no concern in the debts of England. But the like objection can never be made with propriety, reason or justice, by colonies and provinces which are *constituent* parts of a trading nation protected by the British Marine. Much less can it be said that they have no concern in these debts, when they are debts contracted by wars entered into, the first for the preservation of the protestant interest, and independency of the sovereignty of the mother country; the two

latter, solely in defence, and for the protection of the trade and actual existence of the colonies. However, if the colonies could, on any reasonable grounds of equity or policy, show any inequality or even inexpediency in their paying any part of the taxes, which have a retrospect to times, before they were admitted to a share in the legislature,—there is no doubt but that the same moderation and justice which the kingdom of England showed towards Scotland in giving it an equivalent, would be extended to the colonies by the kingdom of Great Britain.—And I cannot but think that it would not be more than such equivalent, that the government should grant them a sum of money sufficient to pay off all their debts which were contracted in consequence of the last war, and were still outstanding; unless Great Britain engaged from henceforth to consider these as the debts of the state in general. I cannot but think that it would not be more than such equivalent, that the crown should give up all its right to quit-rents; and that every act, whereby any special revenue was raised upon the colonies, should be repealed.

“The Briton says that this measure would be dangerous: as it would prove a leading step, to the finally removing the seat of Empire to America.—To which the true answer is, that the removing the seat of Empire to America or not, depends on the progressive encrease of

the territories, trade and power of the American colonies; if continued in the same unnatural, separate, rival and dangerous state, in which they are at present,—that this is an event not to be avoided. But this measure of uniting the colonies to the realm, and of fixing the legislature here in Britain, is the only policy that can obviate and prevent this removal. For, by concentrating the interest and power of the several parts of this island, the Empire must be fixed here also. But if this removal cannot be finally prevented, it is better that a new Empire should arise in America, on the ruins of Great Britain; or that the regalia of the British Empire extending to America, should be removed only to some other part of the dominions, continuing however in the same realm?

“The American says, that this measure might be dangerous to their liberties; as this calling the American representatives to a parliament, sitting in Great Britain, would remove their representatives at too great a distance from their constituents for so long a time; and consequently from that communication and influence which their constituents should have with them; and therefore transfer the will of the colonies out of their own power, involving it, at the same time, in a majority, against which their proportion of representatives would hold no balance.—This objection, if it hath

any grounds for its fears, is a direct answer to the British objection last mentioned. But it proves too much ; as, according to this argument, no remote parts of a state, ought to send representatives, as the seat of the Empire is also remote ; the truth and fact is, that the mutual situation of Great Britain and America very well allows every communication which a member of Parliament ought to have with his constituents ; and any influence beyond that, is unparliamentary and unconstitutional.

“ All the objections which arise from apprehensions of what effect such additional number of members, acceding all at once to the House of Commons, might have on the politicks, conduct and internal management of that body. They arise from an unwarranted and (one should hope) groundless suspicions of some undue influence operating there. But should this be a supposition, that could ever be admitted to be true, even amongst the *fœces Romuli* ; the contrary apprehensions, from the different quarters, are such as mutually destroy each other. The Americans fear, that the number of representatives which will be allowed to them, will have no power proportionable to their share of interest in the community. That this union of the British legislature will only involve them in the conclusions of a majority, which will thence claim a right to tax them, and to restrain their trade, manufactures and

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settlements as they please. The Briton fears, that these representatives may be united in a phalanx, jointly opposing every tax proposed to be laid upon the colonies; and every regulation meant to keep their actions and interest in due subordination to the whole. That they will be a party, a faction, a flying squadron always ready, and in most cases capable, by uniting with opposition to administration, or with commercial factions, to distress government and the landed interest of the kingdom. The Americans again on the other hand fear that some future British Ministry, in some future day of corruption, will succeed in bribing their representatives, against which the colonies will have no remedy, but must submit to the betraying consequences. These are objections which, on the very supposition, mutually counteract and destroy one another. They are objections which have had fair trial upon experience, in the case of the Scots members, and are directly contradicted by truth and fact."

With this I reluctantly close for the present my quotations from Governor Pownal's book; reserving for a future page such additional arguments as it may contain—and it contains many—in favour of the case before us, and in refutation of the various objections urged against it. In token, however, of my unqualified approbation of the services of this eminent individual in a cause at once honorable and pa-

triotick, I cannot, in this place, refrain from observing, that it must readily be perceived by the impartial reader, the author has done every justice to the question which he so simply yet eloquently discusses ; and that, however inapplicable many of his positions may be to present times and circumstances, the general fundamental principles of his reasoning are of undoubted soundness and authority ; and of such force as to render it neither a safe nor an honourable attempt to gainsay them. They have stood unrefuted for more than half a century ; and the present is not a period in which we need be alarmed for their safety : for we can as little subdue their force as detract from their influence.

The next authority I shall advance in favour of Colonial Representation, is that of Adam Smith. Mr. Smith must be admitted on all hands to have been a great moral and political philosopher. "The Theory of Moral Sentiments" and "Wealth of Nations" are splendid, and, I may add, national monuments to the truth of the fact. Such men, according to Lord Bacon, are "the servants of posterity ;" and surely, however far the practical experience of modern times may have gone to correct and modify some of the theoretical positions of this great economist, he who, in the words of his Biographer, Dugald Stewart, "not only extended the boundaries of science, but enlight-

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ened and reformed the commercial policy of Europe," is entitled to be heard on the present subject with at least every mark of respectful attention. Though exceedingly interesting and somewhat instructive, I shall not recite the whole of my author's disquisition on the subject before me; but confine my quotations to such parts of it merely as bear directly upon the point at issue. I must, however, remind the reader, that, like some of Governor Pownall's, almost the whole of Mr. Smith's arguments are directed to the fatal object of ensuring Colonial representation on the basis of colonial internal taxation. To raise money in the colonies by direct taxation, was the leading object of the day; and direct representation appearing to be the best and safest means of accomplishing this end, all the reasoning of its advocates centered in this unpopular point. Nevertheless I flatter myself with the assurance, that Mr. Smith, though not the first in this field of discussion, will be found to have been amongst the best and most philosophical advocates of colonial representation on general abstract principles of utility, as well as those of expediency.

After discussing at some length the impolicy of taxing the colonies by the Imperial Parliament, without positively denying the right to do so, and the impracticability of raising a revenue by requisition on the provincial legisla-

tures, Mr. Smith proceeds to consider the more legal and constitutional measure of representation. "Towards the declension of the Roman republic," says he, "the allies of Rome, who had borne the principal burden of defending the state and extending the empire, demanded to be admitted to all the privileges of Roman citizens. Upon being refused, the social war broke out. During the course of that war, Rome granted those privileges to the greater part of them, one by one, and in proportion as they detached themselves from the general confederacy. The parliament of Great Britain insists upon taxing the colonies; and they refuse to be taxed by a parliament in which they are not represented. If to each colony, which should detach itself from the general confederacy, Great Britain should allow such a number of representatives as suited the proportion of what it contributed to the public revenue of the empire, in consequence of its being subjected to the same taxes, and in compensation admitted to the same freedom of trade with its fellow subjects at home; the number of its representatives to be augmented as the proportion of its contribution might afterwards augment; - a new method of acquiring importance, a new and more dazzling object of ambition, would be presented to the leading men of each colony. Instead of piddling for the little prizes which are to be found in what may be called the paltry raffle of

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a colony faction ; they might then hope, from the presumption which men naturally have in their own ability and good fortune, to draw some of the great prizes which sometimes come from the whole of the great state lottery of British politicks. Unless this or some other method is fallen upon, and there seems to be none more obvious than this, of preserving the importance and of gratifying the ambition of the leading men in America, it is not very probable that they will ever voluntarily submit to us ; and we ought to consider that the blood which must be shed in forcing them to do so, is, every drop of it, the blood either of those who are, or of those whom we wish to have for our fellow-citizens. They are very weak who flatter themselves that, in this state to which things have come, our colonies will be easily conquered by force alone. The persons who now govern the resolutions of what they call their continental congress, feel in themselves at this moment a degree of importance which, perhaps, the greatest subjects in Europe scarce feel. From shopkeepers, tradesmen, and attornies, they are become statesmen and legislators, and are employed in contriving a new form of government for an extensive empire, which, they flatter themselves will become, and which, indeed, seems very likely to become, one of the greatest and most formidable that ever was in the world. Five hundred different people, perhaps,

who in different ways act immediately under the continental congress ; and five hundred thousand, perhaps, who act under those five hundred, all feel in the same manner a proportionable rise in their own importance. Almost every individual of the governing party in America, fills at present, in his own fancy, a station superior, not only to what he had ever filled before, but to what he had ever expected to fill ; and unless some new object of ambition is presented either to him or to his leaders, if he has the ordinary spirit of a man, he will die in defence of that station.

“ It is a remark of the President Henaut, that we now read with pleasure the account of many little transactions of the Ligue, which, when they happened, were not perhaps considered as very important pieces of news. But every man then, says he, fancied himself of some importance ; and the innumerable memoirs which have come down to us from those times, were, the greatest part of them, written by people who took pleasure in recording and magnifying events, in which they flattered themselves they had been considerable actors. How obstinately the city of Paris upon that occasion defended itself, and what a dreadful famine it supported rather than submit to the best, and afterward the most beloved of all the French Kings, is well known. The greater part of the citizens, or those who governed the

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greater part of them, fought in defence of their own importance, which they foresaw was to be at an end whenever the ancient government should be re-established. Our colonies, unless they can be induced to consent to a union, are very likely to defend themselves against the best of all mother countries, as obstinately as the city of Paris did against one of the best of Kings.

“The idea of representation was unknown in ancient times. When the people of one state were admitted to the right of citizenship in another, they had no other means of exercising that right but by coming in a body to vote and deliberate with the people of that other state. The admission of the greater part of the inhabitants of Italy to the privileges of Roman citizens, completely ruined the Roman republic. It was no longer possible to distinguish between who was and who was not a Roman citizen. No tribe could know its own numbers. A rabble of any kind could be introduced into the assemblies of the people, could drive out the real citizens, and decide upon the affairs of the republic as if they themselves had been such. But though America were to send fifty or sixty new representatives to Parliament, the door-keeper of the House of Commons could not find any great difficulty in distinguishing between who was and who was not a member. Though the Roman Constitution, therefore,

was necessarily ruined by the union of Rome with the allied states of Italy, there is not the least probability that the British Constitution would be hurt by the union of Great Britain with her Colonies. *That Constitution on the contrary, would be completed by it, and seems to be imperfect without it. The assembly which deliberates and decides concerning the affairs of every part of the empire, in order to be properly informed, ought certainly to have representatives from every part of it. That this union, however, could be easily effectuated, or that difficulties and great difficulties might not occur in the execution, I do not pretend. I have yet heard of none, however, which appear insurmountable. The principal, perhaps, arise not from the nature of things, but from the prejudices and opinions of the people both of this and the other side of the Atlantic.*

“ We on this side of the water are afraid lest the multitude of American representatives should overturn the balance of the Constitution, and increase too much either the influence of the crown on the one hand, or the force of the democracy on the other. But if the number of American representatives were to be in proportion to the produce of American taxation, the number of people to be managed would increase in proportion to the means of managing them; and the means of managing to the number of people to be managed. The monarchical

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and democratical parts of the constitution would, after the union, stand exactly in the same degree of relative force with regard to one another as they had done before.

“The people on the other side of the water are afraid lest their distance from the seat of government might expose them to many oppressions. But their representatives in Parliament, of which the number ought from the first to be considerable, would easily be able to protect them from all oppression. The distance could not much weaken the dependency of the representative upon the constituent, and the former would still feel that he owed his seat in Parliament, and all the consequence which he derived from it, to the good-will of the latter. It would be the interest of the former, therefore, to cultivate that good-will by complaining, with all the authority of a member of the legislature, of every outrage which any civil or military officer might be guilty of in those remote parts of the empire. The distance of America from the seat of government, besides, the natives of that country might flatter themselves, with some appearance of reason too, would not be of very long continuance. Such has hitherto been the rapid progress in that country in wealth, population and improvement, that in the course of little more than a century, perhaps, the produce of the American might exceed that of the British taxation. The

seat of empire would then naturally remove itself to that part of the empire which contributed most to the general defence and support of the whole.

"The discovery of America and that of a passage to the East Indies by the Cape of Good Hope, are the two greatest and most important events recorded in the history of mankind. Their consequences have already been very great; but in the short period of between two and three centuries which has elapsed since these discoveries were made, it is impossible that the whole extent of their consequences can have been seen. What benefits, or what misfortunes to mankind may hereafter result from those great events, no human wisdom can foresee. By uniting, in some measure, the most distant parts of the world, by enabling them to relieve one another's wants, to increase one another's enjoyments, and to encourage one another's industry, their general tendency would seem to be beneficial."

Such are the sentiments of the author of "The Wealth of Nations" on this important question; rendered doubly interesting by the candid and philosophical strain in which he and others have treated it. I should hope that reasoning like this, would be quite sufficient to convince any one both of the absolute necessity of colonial representation, with the view of securing the integrity of the empire, and the prac-

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ticability, to use Mr. Smith's own term, of "effectuating" the measure. Sure I am, however, that on many less important occasions, Mr. Smith has often, but particularly of late, carried conviction to the minds of his admirers in another line of national policy, by much less cogent reasoning.—But no more of that for the present.

The next authority to which I shall beg leave to call the attention of the reader is that of Mr. George Grenville; who, as far back as 1769, in a pamphlet entitled "The Present State of the Nation," strongly urged the necessity of colonial representation. On the scheme, as proposed in this pamphlet, I do not intend to dwell; because it is not by me. It was severely handled by Mr. Burke, who, as we shall afterwards find, was vehemently and unaccountably adverse to colonial representation in the British Parliament. But however this may be: whatever may have been said or thought with respect to the general principles of policy advocated in this celebrated pamphlet: and notwithstanding the severe and merciless castigation it received at the hands of Mr. Burke, it must be admitted that the author took up the question of colonial representation on fair and just principles of equity, if not of absolute necessity, to preserve the connexion then subsisting between Great Britain and her colonies. But, to use the language of Mr. Grenville's great

critick and political opponent through life, America is still without actual, (and I fear it will soon be without virtual) representation in the House of Commons.* At this eventful period the Colonies had many able and patriotick friends: but among them all there was none who exceeded Mr. Burke in zeal, ardour, and disinterested attachment. Yet I cannot help thinking—nay, I am firmly persuaded, that to him, more than to any other individual living at the time, the greatest and most unqualified blame ought to be attached for the ultimate failure of the project of colonial representation. No doubt his talents and genius must participate in a greater share of this blame than his heart and moral sentiments. Yet the result has been the same; which is a convincing proof of a common fact, that we have often ability to perform, and do actually perform, under the banner of party and political zeal, deeds which the conscience, on mature reflection, cannot approve of. It is therefore with considerable reluctance, but with the impartiality due to so interesting a discussion as the present, that I recall the attention of the reader to the brilliant but ill-directed labours of this wonderful man in a cause, which, for once, I am compelled, though one of his greatest admirers, to pronounce the worst to which he ever devoted the powers of his great mind. Who or what Mr.

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Burke was, need not for an instant be dwelt upon. But in extenuation of the sentiments which I have just now taken the liberty to express; and as, perhaps, I may never have so good an opportunity of recording my real opinion of this just and good man, I shall here state, that I consider Mr. Burke to have been the most illustrious statesman and orator of his time; and the most uncorrupted patriot of any age or country. I would say more; but it is unnecessary to panegyryze a man whose worth and services in the cause of constitutional freedom, have long been engraved on every British heart.

In perusing the following arguments of Mr. Burke in opposition to colonial representation, it ought to be remembered that he was not addressing the country or parliament in his glorious character of a statesman, as on most other occasions, but as a special pleader and the advocate of a *party* of which he was a faithful and zealous adherent until, at a critical moment in the history of our country, that party had deserted both him and their own original principles, when he was obliged to leave their camp; declaring that he knew the price of his conduct—that there *was* an end of their friendship; and that, like the Cynic of the little town on the coast of the Euxine, he had *condemned them* to live in Sinope. The arguments in question are contained in a reply to

Mr. Grenville's pamphlet above referred to; and Mr. Burke's biographer confirms this fact: for he says, "Mr. Burke's reply was rather *a defence of his own party* than an attack upon others." In truth, were the subject worth pursuing to any great length, I feel satisfied that I could easily glean from Mr. Burke's own speeches and writings, at a period of his life when his passions were not so high, and his opinions less shackled by party-views, a great variety of facts and circumstances, which must induce us to peruse the arguments in question with sentiments considerably modified and neutralized. Even in the paper alluded to, and from which the following quotations are made, he descends so far from his position as, when speaking of an addition to our representatives, by American members of parliament, to make this admission: "I pass over here all considerations how far such a system will be an improvement of our constitution according to any sound theory. *Not that I mean to condemn such speculative inquiries concerning this great object of national attention. They may tend to clear doubtful points, and possibly may lead, as they have often done, to real improvements.*" In another place he condescends to describe colonial representation merely as an "unsatisfactory discussion." Still it must be kept in view that the modified and far less objectionable scheme of representation now projected, never

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presented itself even to the capacious mind of Burke. It is no wonder, then, to use his own expressions, if "he could not see through it" in its more general, opaque and enlarged aspect. But I proceed to recite the arguments; trusting that I have said enough to justify not the hope only, but the assurance, that, had it pleased Divine Providence to have yet spared this great man to his country in the full vigour of his faculties, he would, in the present critical juncture, be among the foremost and boldest in maintaining colonial union and representation in the Imperial Parliament, as the best safeguards of the Empire.

"Now comes his American representation. Here, too, as usual, he takes no notice of any difficulty, nor says any thing to obviate those objections that must naturally arise in the minds of his readers. He throws you his politics as he does his revenue; do you make something of them if you can. Is not the reader a little astonished at the proposal of an American representation from that quarter? It is proposed merely as a project of speculative improvement; not from the necessity of the case, not to add any thing to the authority of parliament, but that we may afford a greater attention to the Americans, and give them a better opportunity of stating their grievances and obtaining redress. I am glad the author has at length discovered that we have not given

a sufficient attention to their concerns, or a proper redress to their grievances. His great friend would once have been exceedingly displeased with any person, who should tell him, that he did not attend sufficiently to those concerns. He thought he did so when he regulated the colonies over and over again: he thought he did so when he formed two general systems of revenue: one of port duties and the other of internal taxation. These systems supposed, or ought to suppose, the greatest attention to, and the most detailed information of all their affairs. However, by contending for the American representation, he seems at last driven virtually to admit, that great caution ought to be used in the exercise of *all* our legislative rights over an object so remote from our eye, and so little connected with our immediate feelings; that in prudence we ought not to be quite so ready with our taxes, until we can secure the desired representation in parliament. Perhaps it may be sometime before this hopeful scheme can be brought to perfect maturity, although the author seems to be nowise aware of any obstructions that lie in the way of it. He talks of his union just as he does of his taxes and his savings, with as much *sang froid* and ease as if his wish and the enjoyment were exactly the same thing. He appears not to have troubled his head with the infinite difficulty of settling that representation on a fair balance of

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wealth and numbers throughout the several provinces of America and the West Indies, under such an infinite variety of circumstances. It costs him nothing to fight with nature and to conquer the order of providence, which manifestly opposes itself to the possibility of such a parliamentary union.

“ But let us, to indulge his passion for projects and power, suppose the happy time arrived, when the author comes into the ministry, and to realize his speculations. The writs are issued for electing members for America and the West Indies. Some Provinces receive them in six weeks, some in ten, some in twenty. A vessel may be lost, and then some provinces may not receive them at all. But let it be, that they all receive them at once, and in the shortest time. A proper space must be given for proclamation and for the election : some weeks at least. But the members are chosen ; and, if ships are ready to sail, in about six more they arrive in London. In the mean time parliament has sat and business far advanced without American representatives. Nay by this time, it may happen, that the parliament is dissolved ; and then the members ship themselves again to be again elected. The writs may arrive in America before the poor members of a parliament in which they never sat can arrive at their several provinces. A new interest is formed and they find other members

are chosen whilst they are on the high seas. But if the writs and members arrive together, here is at best a new trial of skill amongst the Candidates, after one set of them have well aired themselves with their two voyages of 6000 miles.

“ However in order to facilitate every thing to the author, we will suppose them all once more elected, and steering again to old England, with a good heart, and a fair westerly wind in their stern. On their arrival, they find all in a hurry and bustle; in and out; condolence and congratulation; the crown is demised. Another parliament is to be called. Away back to America again on a fourth voyage, and to a third election. Does the author mean to make our kings as immortal in their personal as their political character? or, whilst he bountifully adds to their life, will he take from them their prerogative of dissolving parliaments, in favour of the American union? or are the American representatives to be perpetual, and to feel neither demises of the crown, nor dissolutions of parliament?

“ But these things may be granted to him without bringing him much nearer to his point. What does he think of re-election? Is the American member the only one who is not to take place, or the only one to be exempted from the ceremony of re-election? How will this great politician preserve the rights of elec-

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tors, the fairness of returns, and the privilege of the House of Commons, as the sole judge of such contests? It would undoubtedly be a glorious sight to have eight or ten petitions or double returns, from Boston and Barbadoes, from Philadelphia and Jamaica, the members returned, and the petitioners, with all their train of attornies, solicitors, mayors, select-men, provost marshals, and about five hundred or a thousand witnesses come to the bar of the House of Commons. Possibly we might be interrupted in enjoyment of this pleasing spectacle, if a war should break out, and our Constitutional fleet, loaded with members of parliament, returning-offices, petitioners and witnesses, the electors and elected, should become a prize to the French or the Spaniards, and be conveyed to Carthagena or to La Vera Cruz, and from thence perhaps to Mexico or Lima, there to remain till a cartel for Members of Parliament can be settled, or until the war is ended.

“ In truth, the author has little studied this business, or he might have known that some of the most considerable provinces of America, such for instance as Connecticut and Massachusetts Bay, have not in each of them two men who can afford, at a distance from their estates, to spend a thousand pounds a year. How can these provinces be represented at Westminster? If their province pays them they are American agents, with salaries, and

not independent members of parliament. It is true that formerly in England members had salaries from their constituents; but they all had salaries, and were all in this way upon a par. If these American representatives have no salaries, they must add to the list of our pensioners and dependants at court, or they must starve. There is no alternative.

“ Enough of this visionary union; in which much extravagance appears without any fancy, and the judgment is shocked without any thing to refresh the imagination. It looks as if the author had dropped down from the moon, without any knowledge of the general nature of this globe, or the general nature of the inhabitants, without the least acquaintance with the affairs of this country. Governor Pownall has handled the same subject. To do him justice he treats it on far more rational principles of speculation; and much more like a man of business. He thinks (erroneously, I conceive; but he does think,) that our legislative rights are incomplete without such a representation. It is no wonder, therefore, that he endeavours by every means to obtain it. Not like our author, who is always on velvet, he is aware of difficulties; and he proposes some solutions. But nature is too hard for both these authors; and America is, and ever will be, without actual representation in the House of Commons.”

Here I close at once my quotations from

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Burke, and my historical sketch of Colonial Representation, as agitated and discussed towards the commencement, and during the progress of the American rebellion. Whatever the sentiments of the reader may be with respect to the question at issue, I do not think that the perusal of either could have been disagreeable or tedious to him: the one side of the discussion being maintained by some of the most eminent writers and politicians that the country has produced; and the other by the genius of the most revered of British patriarchs and statesmen. In the sequel both will appear to have been essential to the clear understanding and right decision of the case before us; involving as it does so great a diversity of rights and privileges. But besides, nothing contributes so much to the solution of a difficult point, as the collision of various and conflicting opinions; and when this happens, neither pains or trouble ought to be spared or regretted. I shall now endeavour to obviate some of the most prominent objections that may have arisen in the course of the preceding sketch of the project in view; especially those urged so eloquently yet so fancifully, by Mr. Burke.

CHAPTER III.

Some preliminary objections obviated.

"I would rather," said an eminent individual on an important division, "have Burke on my side than the whole House without him." I would rather, says the humble individual who indites these pages, to have Burke on my side, as the advocate and friend of colonial representation, than a whole host of other writers and politicians. But the case, unfortunately, is quite the reverse ; and instead of having the authority of this great man in support of the measure proposed, we are doomed to encounter him as its *only* avowed and decided enemy. It therefore becomes necessary to prepare for an onset with no ordinary antagonist. That *I* should do so: that *I* should attempt to break a lance, on any subject of reasoning or argument whatever, with this most illustrious statesman and orator, appears extremely presumptuous and ridiculous even to myself ; and even savours somewhat of La Mancha. I do indeed remember some five or six years ago, while amusing myself with the prospect of colonial representation, and taking down some

notes and memoranda on the subject, that, upon perusing the arguments of Burke, in opposition to the scheme as originally proposed, I was overcome by their ingenuity and force. In despair I at once laid down the book; and renouncing all hopes of a legislative union between Great Britain and her colonies, never took up the subject again until its general revival a few weeks since. Such is the influence of genius: such are the effects of eloquence even in a bad cause! I am not ashamed to admit them. Nor do I hesitate to avow, that, notwithstanding this change of opinion; or rather this aversion to the consideration of a subject in which I conceived myself to have been forever foiled, I am at this moment more thoroughly convinced than ever of the absolute necessity of colonial union and representation, as the only *human* means of preserving the unity of the Empire. But, if we are desirous of succeeding in the accomplishment of an object which involves no less a consideration than the welfare and integrity of an empire, some one must oppose this great master. If this duty have fallen to my lot alone, I shall, in case of defeat, submit to the ignominy with unabated reverence for the conqueror. It is no disgrace to be repulsed by a patriot, whose general motives were as pure, as his eloquence was invincible. Should I prove successful, however, to my country be the honour and benefit.

It is of considerable importance in this discussion to remember, that in all that Mr. Burke has said on the question of colonial representation, he never once objected to the theoretical and constitutional principles which the project involved. He always took care to keep at as great a distance from this point as a mariner does from rocks and quicksands. As to this he appears constantly to have held a compass in one hand and a quadrant in the other. The whole force of his energetick mind was accordingly brought to bear, not on the end proposed, but on the *means* of its accomplishment, which he always ridiculed as visionary, and treated as absurd. He himself, as we have already seen, declines a controversy on this head; and it is worth while to repeat his expression:—"I pass over here all consideration how far such a system will be an improvement of our constitution according to any sound theory. Not that I mean to condemn such speculative inquiries concerning this great object of national attention. They may tend to clear doubtful points, and possibly may lead, as they have often done, to real improvements. What I object to is their introduction into a discourse relating to the immediate state of our affairs, and recommending plans of practical government." Now, with every respect and deference to the memory of this excellent man, what can be a more complete begging of the question; what

can possibly be more absurd than to urge objections, in limine, to the execution of any plan or scheme, before the plan or scheme itself is formed and evolved? We see clearly that Mr. Burke does not disapprove of colonial representation, but on the contrary admits it to be a position which may with safety and propriety be discussed, as "tending to clear doubtful points, and possibly lead to *real improvements*."

It was certainly then inconsistent: it was certainly premature, to anticipate, as well as to maintain objections, to the operation of a measure before the measure itself had been matured. In this way, we could defy all art and science. In this way, we might defend ourselves against the whole institutions of society itself. We should be justified in saying to the legislator—"Sir, do not, at your peril, pass that law: for if you do, depend upon it, that its provisions cannot be carried into execution; they will immediately be infringed upon, because the *people* do not approve of them, and cannot be compelled to obey them; and be assured that a future generation will, in consequence, find it necessary to revoke them." To the judge and the juryman, we might say—"Gentlemen, you had better not try that man, for if you do and he is acquitted, he will again pick all your pockets and cut your throats into the bargain; and should you find him guilty and condemn him to the gallows, he will poison or hang him-

self in his cell, and thereby escape all the punishment you can inflict on him." To the mechanist we might say—"Friend, take care what you do; and do not bestow your labour in vain; nor lay out good money for bad: that machine of yours can never be put into operation. The materials seem very good, very strong, and well adapted to their several purposes; but they can never be got to work together in the manner you propose; and therefore I strongly advise you to give up all hopes of them—to break them asunder and chop them down into fuel to boil your pot." To the architect we might say—"O Sir, you are a wonderful man and a great genius; but I would recommend to you not to build that temple. The foundation hereabouts is very sandy. I see a storm gathering in a little cloud like a man's hand. The wind will soon beat upon it; the rain will descend upon it; the lightning will play upon it; it cannot but fall, and great will be the fall thereof. Besides, Sir, you cannot but remember the fate of Tedmor in the Desert—of Athens—and of Rome. Behold, Sir, where now are their "cloud-capt towers and gorgeous palaces?" To the Coach-maker we might say—"Well, Sir, that really is a pretty vehicle; I should like to have a drive in it; but it is of no use. Though Macadam still lives, there are rutts and stones in our roads innumerable; and it must one day be upset and

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broken to pieces. Then, Sir, consider how many careless drivers are abroad ; how many limbs are daily broken ; and with what difficulty we can recover damages from the proprietors of the stage-coaches : oh ! my bones." To the shipbuilder we might say—"how beautiful yet how frail is that ship of yours ! Do you really intend to trust that costly edifice to the fickle waves ? If you do, she will never reach America. Should you send her through the Pentland Frith she will perish on the Skerries, and should you prefer the Lands End, be assured she will drift and be foundered on the Scilly Islands. But should she arrive in America and attempt to return, depend upon it, Sir, and I am extremely sorry for it, she will be lost in the fogs of Newfoundland, even if she were loaded with members of parliament." And so on, *ad infinitum*, through all the mazes of art, mechanism, science and legislation.

We all know that among adepts in the useful art of logick, no one appears more ridiculous than the tyro who attempts to maintain a position by arguing from consequences to their cause ; or, at all events, from suppositious or imaginary difficulties, to the impossibility of overcoming them. But, strange to say, we have worse than all this here ; for although the premises are freely admitted and given over to us, the conclusion is not only denied, but set up as an unsurmountable barrier against both the

premises and the project on which they are founded. In what other light can we possibly view the general scope of Mr. Burke's arguments? As to principle and end, he tells the friends of the measure—O Gentlemen! you mistake me—entirely mistake me—if you think I have any objections to a union with the Colonies, *if it can be accomplished*, and nature and providence be induced to abrogate their laws. Quite the contrary, Gentlemen.* I told you before; and I am still, and always will be, of the same opinion, that the project will tend to clear doubtful points, and possibly lead to real improvements. That is my opinion, gentlemen. So prepare your Bill; bring it in; and be assured that I shall not oppose it on principle. Accordingly, the bill is introduced. Mr. Burke is as good as his word; which, to his honour, he ever was; and the bill for colonial union and representation has passed the Commons House of Parliament. It is carried up to the Lords, and there, too, it passes without a division. Lastly, in the fulness of time and form, it is laid before the King for his royal sanction, which it forthwith receives. And now *Writs* are issued from Chancery for electing

* Mr. Burke contemned the arguments of Mr. Grenville in favour of Colonial representation, on the ground that they possessed neither fancy nor imagination. I shall in the sequel endeavour to obviate the objection.

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members of the Imperial Parliament of Great Britain and Ireland in all the Colonies. All is gladness, joy, rejoicing and preparation on both sides of the wide Atlantick. Ships are launched, manned and provisioned: and every harbour echoes to the songs of freedom and patriotism. But lo! in the midst of this pomp and preparation, a great genius suddenly appears on the western horizon, with an open book in his hand, entitled "*Observations on a late publication, intituled 'The present State of the Nation;'*" and whose pages blaze with Vesuvian splendor of diction and eloquence. It is EDMUND BURKE! He immediately addresses the astonished spectators on the shore out of this book, and tells them: Good people, I did not intend, and never once dreamt that matters should be carried so far. Be assured that he who has brought you this length on your perilous voyage, has misled and deceived you all. "He appears not to have troubled his head with the infinite difficulty of settling that representation on a fair balance of wealth and numbers throughout the several provinces of America and the West Indies, under such an infinite variety of circumstances. It costs him nothing to fight with nature, and to conquer the order of Providence, which manifestly opposes itself to the possibility of such a parliamentary union." No, no, good people, depend upon it you can never overcome the order of

Providence ; far less conquer nature. Behold, how the sky lowers ; how the clouds gather ; and how the surges rise, and mantle those broad seas with their ermined couriers of destruction. Your pilots, good as you may esteem them, can never surmount the dangers that await you ; and you will all be lost—utterly lost in the bottom of the ocean, to the great grief of your friends, and the irreparable loss of your country. Should that not be the case, other and more hideous dangers await you. There are pirates on the seas ; and they will rob, ravish and murder you. Besides, war is likely to break out ; and you will surely “ become a prize to the French or Spaniards, and be conveyed to Carthagena or La Vera Cruz, and from thence perhaps to Mexico or Lima, there to remain until a cartel for members of parliament can be settled, or until the war is ended.” But, should you fortunately escape all those inevitable calamities, which I scarcely think possible, other difficulties await you. Should you and the newly elected members of parliament ever arrive in Old England, “ in the meantime Parliament has sat and business far advanced without American representatives. Nay, by this time it may happen that the parliament is dissolved, and then the members must ship themselves again to be again elected.” Here, good people, should you ever arrive a second time in America, new evils await

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you. The writs may arrive before yourselves ; and other members are elected ; which, after two fatiguing voyage of 6000 miles in the service of your country, would be the unkindest *cut* of all on the part of your faithless constituents. In such a case you must remain at home in the colonies with your wives and sweethearts, boiling sugar, distilling rum or chopping timber for the benefit of your families till the next election. But, good people, the members who have superseded you, are not better off than yourselves, for "on their arrival, they find all in a hurry and bustle : in and out ; condolence and congratulation ; the crown is demised. Another parliament is to be called. Away back to America on a fourth voyage and a third election." Now for a contested election ; and you who have been thrown out, and so long and laboriously employed in improving your farms and plantations, may be re-elected. You are so. But, alas ! your troubles are not yet at an end ; for the fairness of your election is complained of ; and the moment your "attorneys, solicitors, mayors, select men, provost marshals and about five hundred or a thousand witnesses, come to the bar of the House of Commons," the parliament may be again dissolved ; and there you are sunk deeper and deeper in despair, vexation and debt !

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Such is the style in which this eminent states-

man condescends to declaim against the project of colonial representation. Such is the way in which he endeavors to dazzle and alarm the imagination, without ever attempting to lead the mind to conviction, by serious arguments addressed, as they ought to be on so important a subject, to our reason and judgment. As already observed, he objects not to the project itself, but to the difficulties of carrying it into execution. Let us now seriously weigh these difficulties, see what stuff they are made of, and whether, even admitting that they do exist, it is possible to overcome them?

The first difficulty urged, is founded on the impossibility of "fighting with nature, and of conquering the order of providence." It is certain that arguments drawn from this quarter are the most formidable of any; and when it can be proved that both nature and the course of providence are allied, in opposition to any human plan or undertaking, it is in vain to struggle against them. But I trust this is not the case on the present occasion. With regard to the course of providence, it would, indeed, be the very height of folly and madness to attempt to subvert it. That is an arcanum to which man must ever submit with awe, reverence and submission: and it is but justice to say, that no individual ever did so more than Mr. Burke. I therefore place this obstacle entirely out of the question. It is irreverent to introduce it

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in any topick of mere political discussion ; and far more so, wantonly to enlist it in our aid in support of our own imaginary wisdom. We know not whence it cometh or whither it goeth. It is our duty to act like men of piety and prudence ; and humbly to hope that our conduct may be subservient to this inscrutable law. But with respect to " Dame Nature," in the quality in which she is thrust upon us by our author, which is that of a stubborn, haughty and ferocious vixen, who will not permit us to perform our lawful duties by night or by day—in summer or winter—in foul or fair weather, I confess that I am disposed to treat her in quite a different way.—She may growl and foam and thunder. But it is all to no purpose. We have got the better of her in many respects, and I hope, we shall do so in many more. I look upon her merely as a big unweildly toy, given to us by the Omnipotent Creator, to exercise at once our faculties, and promote the happiness to which I have no doubt we are destined. That we use her accordingly, who can deny ? Her elements are great, sublime and beautiful but great, sublime and beautiful as they are, we every day exercise an astonishing control over them. We can at pleasure make excursions into the air, the most subtile of all elements. We can not only float on, and navigate, but dive into the very bottom of the ocean. As to the winds, we can do with them what we

list ; for, whether we wish to visit the frozen north, or the balmy south ; the burning east or or the zephyr west, we can manage them just as we choose, and place them at our disposal. The earth is our own, and we are no strangers to her innermost regions. Fire, indeed, we must confess to be sometimes unruly and unchangeable, but not half so much as a reforming and radical mob. However, we have much cause to thank God, that we still have laws and instruments capable of controlling the one and extinguishing the other. It is my prayer that both may be but seldom exercised.

What, then, does Mr. Burke mean by telling us that we cannot fight with nature ; and that even if we could, a voyage to America, with writs for the election of members of parliament, on board, would occupy "six weeks, some ten, some twenty ?" Surely Mr. Burke was jesting and endeavouring to play upon our credulity. He could not at any rate have been serious in advancing so monstrous an absurdity. If so, he certainly knew nothing of America, nor of a voyage to America ; and we must retort upon him his own story about the man in the moon, who had dropped down without any knowledge of the general nature of the inhabitants of this globe—nor the least acquaintance with its affairs.—Why, I tell his glorious, and I hope glorified spirit, that the *first* voyage ever made to America was performed in thirty five

days !* It is all transparent nonsense then, to talk of six, ten, and twenty weeks ; and he is a thrice soddan dupe who will believe it for an instant. *Days* therefore, and not weeks, would be a more just and reasonable reckoning ; and the fact is, that whatever may have been the case in the lifetime of Mr. Burke, the present average length of voyages outwards and homewards, from any port in Europe to any port in America and *vice versa*, does not, at the most, much exceed the half of the least of his periods. But Mr. Burke died too soon. Could patriotism like his, pure and splendid in its career, secure well the earned reward of beholding the triumphs of his country in peace and war, he certainly above all men, deserved the boon. He would have lived to witness a just and glorious war, to which he himself was the first to lead the scattered and dismayed nations of Europe, crowned with an honourable, and I hope a durable peace.—He would have lived to behold art carrying ‘ nature ’ captive in her train ; and enlisting all the elements in subserviency to science, commerce and industry. He would have lived to see that wonderful and powerful machine, the steam engine, by its application to marine purposes, bringing the uttermost corners of the earth within a few weeks communication of one another : and daily accomplish-

* See Irving's *Life of Columbus*.

ing wonders both on sea and land, to which even the imagination cannot and dare not assign limits. Is it for us then, to dwell for a moment with any degree of complacency on the alarms raised, and the imaginary obstacles thrown in the way of colonial union and representation by this individual, eminent and illustrious as he was? Surely not. Thanks to art and science, we are enabled to break through them like cobwebs; and I trust the time is not far distant when our hopes shall have been as thoroughly realized, as Mr. Burke's doubts and fears have already been overcome.

But we have not yet done with this first branch of the obstacles thrown in the way of Colonial Representation by Mr. Burke. I have only brought the writs to America in a space of about three weeks. But our author maintains, that we have only three weeks more to make proclamation to elect our Members, and to return the Writs. This is a feat which would indeed require considerable ingenuity and dexterity in the performers; and, according to Mr. Burke, should we not be able to acquit ourselves of it in the most approved style of Gymnasium, we are doomed to everlasting silence on the subject of Colonial Representation. This, too, is a hard fate. The penalty is much more severe than any that has ever hitherto been imposed on any part of the United Kingdom itself: the inhabitants of which

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get time to return their Members of Parliament in proportion to their distance from the Seat of Government. I do not think it is customary to order the Writs directed to Scotland to be returned on the same day with those for the Sister Kingdom of England. This, however, I am certain of, that the laws of Scotland, as well as the scattered condition of the population in the more remote parts of that country, require a longer period of time for the ceremony of "Proclamation," than either those of England or Ireland. Were the case otherwise, members could never be returned from the northern counties and towns of Scotland, more than from the Colonies; and that ancient and independent kingdom would be placed in the same predicament with America and the West Indies. They might be mocked, as we are on the present occasion, with the idea of Representation in prospect; but could never realize it until they should engage to travel post-haste from Westminster to John O'Groat's and back again in that moderate allowance of time, "Six Weeks;" a journey which, notwithstanding the expedition of modern travelling, and the general improved state of the roads in that country, could not be performed in the allotted time, provided the usual period for proclamation, fifteen days at least I believe, were included. Had the union taken place in Mr. Burke's days, he would have been an ex-

cellent coadjutor of that celebrated Celt, Fletcher of Saltoun, in resisting the measure on the present, as well as on a variety of other grounds. These were both great orators and eminent patriots ; but they had both strong and invincible prejudices almost peculiar to themselves : they were the avowed enemies of national union of almost every description. Fletcher opposed the union with Scotland with his last breath ; and with respect to that with Ireland. Burke “ never brought his mind to any thing clear and decisive upon the subject : and, as far as he could form an opinion, it would not be for the mutual advantage of the two kingdoms.”* With his usual imagination and energy of language, Mr. Burke would have said to the gentlemen of the north—“ Dear Chiefs, Chieftains and Clansmen ! I once travelled through your country. It is indeed a fine romantic country—‘sublime and beautiful.’ The people are very loyal, moral, and exceedingly hospitable :—well educated and industrious. But many parts of the country are wild, rugged and inaccessible. Your hills are high and towering to the skies ; and

——— “ The clouds love to rest
Like the shroud of the dead on the mountain’s cold
breast ”

* See his “ Letter to Sir Hercules Langrishe, M. P.”

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Your moors are bleak and dreary, and “across them a cold north-east wind, with frost on its wings, whistles to the tune of the pipers of Strathdearn.” Your lakes are broad and rough: your rivers are deep and rapid; your roads are dangerous and impassible. Besides all this, you are often visited by dense and obscure fogs, commonly called Scots-mists—the terror of travellers, and the cause of many fatal and melancholy accidents. Therefore, if you value your own lives, and those of your members of parliament, I beseech you not to think of this union. Writs may indeed be issued to you; but you can never return them to Chancery in the short space of “six weeks.” The mists will grow denser and denser: the rain will descend faster and faster: and the rivers will swell higher and higher, carrying every thing along with them into the sea, like the great Moray flood. But should an election peradventure take place, and your members, for once, happily reach London, parliament may in the mean time be dissolved; and away again they must trudge “over the hills and far awa” to encounter still more serious evils, perplexities, and dangers. There are, I am told, robbers, “fighting red reivers,” Rob Roys, and wild Macgregors, in the caves and passes of your mountains; and, depend upon it, they will not only rifle, but slaughter you. Should a feud arise between the clans:

between the Campbells and Murrays—the Macdonalds and the Frasers—the Grants and Mackintoshes—the Stewarts and Drummonds—the Macleans and Macfarlanes—the Mackenzies and Chisholms—or the Sutherlands and Mackays; they will “rush upon you, like a band of fierce barbarians from the hills, sweeping your flocks and herds;” and make you all captives, until some great Duke of Cumberland or Wellington, at the head of a powerful army, be sent once more to Culloden Moor to rescue you, and play again “the curse of Scotland” among your kinsmen. Such, men of the misty north, will be your fate, if you ever again dream of this projected union.” And such, my reader, is the species of reasoning which is now urged in opposition to a legislative union with the Colonies; but, I hope, to meet the same fate as it has done with respect to Scotland.

I believe no one who is the least acquainted with the history of the state of the roads, and the mode of travelling both in England and Scotland some sixty or seventy years ago, will deny that a journey from the remote northern parts of the island to the capital, would at that time occupy as much time, and cost as much, if not more labour and money as a voyage to any part of America does at present.* Every

* In December 1703, Charles III. King of Spain

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one remembers the well-authenticated fact of the accustomed preliminary to a journey from the country both to London and Edinburgh, at no very remote period. I mean the precau-

slept at Petworth on his way from Portsmouth to Windsor, and Prince George of Denmark went to meet him there by desire of the Queen. In the relation of the journey, given by one of the Prince's attendants, he states:—"We set out at six in the morning by torch light, to go to Petworth, and did not get out of the coaches (save only when we were overturned or stuck fast in the mire,) till we arrived at our journey's end. 'Twas a hard service for the Prince to sit fourteen hours in the coach that day without eating any thing, and passing through the worst ways I ever saw in my life. We were thrown but once indeed in going, but our coach which was the leading one, and his Highness's body coach, would have suffered very much if the nimble boors of Sussex had not frequently poized it, or supported it with their shoulders, from Godalming almost to Petworth, and the nearer we approached the Duke's house the more inaccessible it seemed to be. The last nine miles of the way cost us nearly six hours time to conquer them; indeed we had never done it, if our good master had not several times lent us a pair of horses out of his own coach, whereby we were enabled to trace out the way for him." Afterwards, writing of his departure on the next day from Petworth to Guildford and thence to Windsor, he says:—"I saw him (the Prince) no more till I found him at supper at Windsor; for there we were overturned (as we had been once before the same morning) and broke our coach; my lord Delaware had the same fate; and so had several others.—*Vide Annals of Queen Anne. Vol. II. Appendix, No. 3. See also Dr. Smollett's works.*

tion of making a will. But thanks to Macadam, Telford and Watt, such times are over; and there is no doubt that in the course of another year or so, the Atlantick will be crossed in as great security and almost with as much expedition, as a journey is now performed, either by land or water, from the north of Scotland to the metropolis. Indeed, at the present moment, matters are not so exceedingly desperate with us, as some of the modern disciples of Mr. Burke would induce the world to believe. I have already observed that the average period of a passage from England to America, is about twenty days. But many passages have been made, and are still very frequently performed, in five or six days less. I shall never forget a scene that took place, about fifteen years since, at the house in London of a member of Parliament, with whom I had the pleasure and honour of being acquainted. Late in the evening I received a polite note from my friend requesting my presence at breakfast next morning, to meet and assist him in transacting business of some family importance, with two brothers, officers in the army, who had just arrived in town; the one from Halifax, where he had been stationed for some time with his regiment; and the other from Cromarty, a sea-port in the north of Scotland, where he had been beating up for recruits. The hero of the north came to Lon-

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don by sea, as well as he of Nova Scotia. At breakfast the conversation naturally turned on the recent voyages, and "hair-breadth escapes by sea and land" of these sons of Mars. "Here I am," said he from the 'North Country,' "half famished with cold, fatigue, and hunger, after beating about for *twenty-two* long days and nights in Scotch friths, English bays, and the German Ocean." "Why," replied his brother, pulling out his watch, "I am now only *fourteen days* and ten hours out of Halifax in North America!" "Then by Jove," exclaimed the circumnavigator of Scotch firths, English bays, and the German ocean, "I only wish I could have exchanged berths with you." Yet even this is not an uncommon circumstance; and short in this instance as the passage from Halifax was, many still shorter have since been made; and might easily be here recapitulated, if the facts were not already well known both in England and America. What are commonly called the regular traders from Great Britain to Quebec, have for some time been endeavouring to make six voyages across the Atlantick in the course of eight months. Some of them have performed *Five* in that comparatively short space of time; and no doubt seems now to be entertained, that those vessels actually engaged in making the experiment, will be able to accomplish the half dozen with great ease and in perfect se-

curity. Should this be the case, as I have no doubt it will be the case, what would Mr. Burke say to his "six weeks" where he to raise his venerable head above the ground, and be informed of the astonishing fact*. But this

* Since writing the above, I have been favoured with the following interesting statements by the respectable commanders of the only vessels that have ever accomplished six voyages across the Atlantick in one season, or year. The statements are authentick and correct, and may perhaps be the means of convincing the unbelievers in short voyages, as well as the enemies of Colonial Representation, that nature *may* be conquered and space diminished.

SOPHIA.

No. of Trips.	Date of Sailing.	Port of Sailing from.	Port of Arrival.	Date of Arrival.	No. of Days in Port.
	1831.			1831.	
1.	March 26,	Greenock.	Montreal.	April 28,	12
2.	May 10,	Montreal.	Greenock.	June 13,	2½
3.	June 26,	Greenock.	Quebec.	Aug. 7,	16
4.	Aug. 13,	Quebec,	Greenock	Sept. 5,	5½
5.	Sept. 10,	Greenock.	Montreal.	Oct. 27,	13
6.	Nov. 9,	Montreal.	Greenock.		

Montreal, 9th November, 1851.

JOHN NEILL.

is not all : I have another resource, and a very important one too, to help me out of my dilemma. I have all along been talking about navigation without calculating on any aid from that almost supernatural power, steam. Should that wonderful agent be once applied to the navigation of the Atlantic, it seems to me perfectly evident, that the "six weeks" of our author must be diminished to, at most, double the number of days; and these are twelve. I trust that we are in a fair way of realizing so fair a prospect and so great a triumph. The preparatory movement has already been made. "The Royal William," a beautiful steam ship,

CHERUB.

No. of Trips	Date of Sailing.	Port of Sailing from	Port of Arrival.	Date of Arrival.	No. of Days in Port.
	1851.			1851.	
1.	March 26,	Greenock.	Montreal.	April 25,	
2.	May 9,	Montreal.	Greenock.	June 12.	
3.	June 25,	Greenock,	Quebec.	Aug. 14,	
4.	Aug. 29	Quebec.	Greenock.	Sept. 17,	
5.	Sept. 25,	Greenock.	Montreal.	Nov. 7,	
6.	Nov. 25,	Montreal.	Greenock,		

Montreal, Nov. 13, 1851.

JOHN MILLAR.

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designed to ply between Quebec and Halifax, has just sailed for the first time, from the former place. I believe she will be able to perform her trip, and call at the intermediate ports, in three days. In fourteen more, were such the pleasure of her respectable owners and excellent commander, I am persuaded her union jack might be seen floating on the breeze in the port of Liverpool. What now would Mr. Burke, or can his disciples on this subject, say to a voyage of "six weeks" across the Atlantick? Let them contend and despair: we shall hope and persevere. Surely our anti-unionists will now hesitate before they exclaim with Horace,

"Naturam expelles furca tamen usque recurret."

But laying aside all hopes of any improvement in the science of navigation, and leaving it in the exact condition in which it stood at the time of Mr. Burke's oration against Colonial Representation, — which is surely granting more than can in reason or justice be demanded of us, — where lies the difficulty, either theoretical or constitutional, in regulating the process of the return of writs to the Colonies by the same laws with respect to time which have always governed them in the metropolitan state? We have seen that the day appointed for the return of writs directed to Scotland. is prolonged beyond that day as to English writs.

The same just and equitable principle has, I believe, been adopted in several colonies. We know at all events, that in Lower Canada it exists and always did exist with respect to the distant county of Gaspé. What then can have become of the potency of an act of the Imperial parliament ; that astonishing power that can wield empires at pleasure ; that can annihilate thrones, principalities, and potentates, and raise others on their ruins ? " The power and jurisdiction of parliament," says Sir Edward Coke, " is so transcendent and absolute, that it cannot be confined, either for causes or persons within any bounds." Authority like this, one should think, ought surely to comprehend jurisdiction over both space and time, so far as these can be rendered subservient to the actions and circumstances of man. The fact is, that parliament does possess this power, and that it has been frequently exercised. What then is to hinder its extension to the project of Colonial Representation ? Nothing absolutely. But when does parliament actually meet for the despatch of business on the very day on which the writs are returnable ? Seldom or never ; and not perhaps until " six weeks, some ten, some twenty" afterwards. Parliament, therefore, having the power of making writs of election returnable when and how it pleases, can easily in its wisdom accommodate matters to the conveni-

ence of the Colonies; and, as I before observed, suit the time for the transport of our writs, and the election of our representatives, to our distance from the seat of government, as well as to all casualties and contingencies incidental to our situations and general peculiar circumstances.

But, after all this indulgence, this enacting of laws, and extention of time; let us suppose for a moment, that Mr. Burke's reveries—to call them by no worse name—have been realized: that before the arrival of our representatives, “parliament has sat and business far advanced: nay by this time it may happen that the parliament is dissolved:” that “then the members ship themselves again to be again elected;” that “the writs may arrive in America before the poor members:” that “a new interest is formed:” that “the crown is demised, and another parliament called:” that “a fourth voyage must be performed and a third election gone through:” and that, as the climax of all our toil and trouble, our “returning officers, petitioners and witnesses, the electors and elected, should become a prize to the French and Spaniards;” why, is there no help for all this, no remedy within the wide domains of legislation, equity or justice? Our case surely cannot be so very desperate. It is singular to observe with what pertinacity Mr. Burke insists upon extreme points in almost all his ar-

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guments against colonial representation. We receive neither comfort nor encouragement at his hand. All is alarm, doubt and fear—"gorgons and hydra dire." The elements themselves are made to conspire against us. Old Times himself is made to forsake us. War is declared by all the nations of the earth, for no other cause than that we may be taken prisoners. We are shipped and re-shipped, landed and re-landed with a celerity and dexterity worthy of the most popular and first-rate pantomimick performance. We are made to cross and re-cross the Atlantick with the velocity of the "Flying Dutchman." To crown all, our last enemy, the king of terror himself is brought upon the stage, and made to chop the crown off the head of our revered sovereign, that we may have the pleasure of being well aired with half a dozen voyages across the seas! But in the extreme as such reasoning be, we are still not altogether without remedy. We may yet be saved. In the event of a parliament sitting "and business far advanced," whilst elections are going on in these colonies what is to prevent a law being past, authorizing as many of the old colonial representatives as see fit, to continue to sit in parliament until the return of the writs from the provinces; seeing that a member of parliament may be, as he frequently is, elected in his absence as well as when he is present? Such a law would be

neither unconstitutional nor altogether without example. By statutes made in the reigns of William III. and Queen Anne, it is enacted, that the parliament in being shall continue for six months after the death of king or queen, unless sooner prorogued or dissolved by the successor: that if the parliament be, at the time of the king's death, separated by adjournment or prorogation, it shall notwithstanding assemble immediately—and that if no parliament is then in being, the members of the last parliament shall assemble and be again a parliament.* This is a precedent which might be followed with safety, in case of colonial representation: and in case of our difficulties, in accomplishing that object, being as great as they are here represented, which in truth, they are far from being. Governor Pownall puts the matter in a still clearer light. “As to all objections,” says he, “raised on the supposed impracticability of the measure; *they are too contemptible to deserve an answer*. There is but one which has any sense in it,—it is said that the colonies are too remote, upon a dissolution to receive the writs and return their representatives within the time limited by law; and that, if the parliament should be assembled immediately on its election, the colonies could

* Blackstone,

not have their representatives in the house for some time. The portion of time limited by law, is fixed in proportion to the distance of the remotest parts concerned at present, to send members to parliament. A special time might be fixed by law, in proportion to the special case of the distance of the colonies. And as to their having their representatives in a new parliament, upon its being assembled immediately, in the same manner as upon the demise of the king, the parliament, then sitting, is by law to continue six months, unless dissolved by the successor : so the old representatives of the colonies, might by law, be permitted to sit in the new parliament, if assembled within six months ; until they were re-elected, or others sent in their room ; the doing of which might be limited to six months."

Yet, after all, we are told that writs may arrive before members, and members before writs. What if they do? That surely would be nothing either way very extraordinary or dangerous in its consequences. As to the writs, they would at all times and on all occasions speak for themselves. On the other hand, what is to prevent a representative, who has been duly elected and returned, from carrying in his pocket an authentick voucher from some colonial authority appointed by law for the purpose, or from the returning officer himself, certifying that he is the person, who, on such a

day, and at such a place, had been elected one of the representatives for such a province or colony? This would be a simple remedy for all lets and hinderances in case of any accidental delay in the arrival of a member, or the return of a writ. "O yes, to be sure it might," exclaim the cavillers; "but we don't mean that—you have entirely mistaken us: we merely meant to say the writs may arrive in AMERICA before the poor members of a parliament in which they never sat, can arrive in their several provinces." Well, suppose they do; have I not already answered that objection, by telling you, that I knew of no law which rendered it imperative upon old or new candidates to be personally present at their election; and surely you are not so cruel as to cut off by death or otherwise, all the friends whom they may have left behind them in the provinces as well as all communication with them.* No, certainly; it cannot be possible that you entertain so bad an opinion of us as that; "but a new interest is formed and they find other members are chosen

* It is true, that, in the latter ages of the Roman Republick, no one could stand candidate who was not present and did not declare himself within the legal days, that is, before the *comitia* were summoned; but this formed no part of the early and more constitutional laws of the Romans. It is well for us, that we have followed the better part of the Roman Constitution rather than the worst: and that we have had the example of both before us.

whilst they are on the high seas." Granted. But may not the same thing take place whilst they are canvassing upon the spot: are not colonial electors as fickle and wavering in their politicks as electors in other countries: are not a diversity of interests there as well as in other places; and may not new members be chosen whilst they are on the high hustings, as well as whilst they are on the "high seas?" I for my part, can see nothing to prevent occurrences which are so common in all other countries, where the elective franchise exists. "Yes, yes; all that may be very true; but if the writs and members arrive together, here is a new trial of skill, amongst the candidates." Why not? Is not the "trial of skill" always the point of contests between the candidates. There must always be a trial of skill, unless you make the high office of member of parliament perpetual in the same individual; and I hope the trial may always be confined to this point, for I am by no means an admirer of the use of long purses and large promises on such occasions. Let the better man and the best heart carry the day. I, hope it is not intended to elect colonial representatives without candidates. "Well," they now tell me, "these things may be granted to him, without bringing him much nearer his point. What does he think of re-election? Is the American member the only one who is not to take a place, or the only one exempted

from the ceremony of re-election?" No: God forbid that this should ever be the case. Let the *Jus Honorum*, or the right of bearing public offices in the state, be as free to the colonist as to the metropolitan. It is equally his birth-right. There are honour, respectability, talents and patriotism in the colonies, as well as in Great Britain. There are men in the colonies who are as much deserving of a place, and the confidence of their king and country, as in any other quarter of the empire: and, when individuals are found worthy of it, I hope such confidence will not be denied to them. Certainly, therefore, when it becomes proper and necessary, let the colonial member be re-elected: he scorns to claim any paltry exemption of this kind; nor does he desire any privileges above those enjoyed by his fellow-representatives of the Mother Country. What I think, then, of this re-election is just the very reverse of what my opponents are pleased to do. I think it will be attended with little more inconvenience than other re-elections. Of course, *all* our colonial members cannot be called upon to take office at the same time. To expect this would perhaps be paying them too high a compliment, even if there should be a sufficient number of places vacant. Is it not then as probable as it is possible, that their colleagues out of office would take care, during the short period of a re-election, that the interests of any particular

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colony should not be compromised or endangered? What do the cavillers say to a recess or a prorogation of Parliament for several months in the year? Who would attend to the interests of the colonies in parliament during that period? And would they have the British parliament become a "National Convention," and sit night and day, Sunday and Saturday, to the end of time, without any intermission, prorogation, recess or dissolution, merely to superintend the peculiar interests of the Colonies? Away, then with such nonsensical trumpery about elections and re-elections. But here is another tilt. I am again asked—"How will this great politician preserve the rights of elections, the fairness of returns and the privilege of the House of Commons, as the sole judge of such contests?" I answer, that I shall not remove a stone of them. I wish them to be preserved just in the same way, and by the same authority, that the rights and privileges of other electors are preserved. I recognize the House of Commons and its standing committee of privileges as the *Jus Senatorium* of parliament, and the sole judge and arbiter of such contests and privileges.

But say they, "it would undoubtedly be a glorious sight to have eight or ten petitions or double returns from Canada and Barbadoes,

from Nova Scotia and Jamaica *, the members returned, and the petitioners, with all their train of attornies, solicitors, mayors, selectmen, provost-marshals, and about five hundred or a thousand witnesses, come to the Bar of the House of Commons." No doubt of it. Such a sight would indeed be a glorious one to more parties than one. I fear, however, that the spectacle is rather exaggerated, and that the spectators of this transatlantick phantasma would be rather disappointed at the end of the performance. A brilliant and glowing imagination is indeed a divine gift : its effects are delightful in many respects ; but it is judgment and common sense alone that can enable us to appreciate the value and importance of real facts. Should such a "glorious sight" ever be represented, even to the very letter of the composition, it would not exceed in splendour or interest those of a similar description exhibited every day at the seat of government, without serious inconvenience to the parties. Our present state of existence is necessarily mixed with much good and evil. If we would enjoy the one, we must endure the other. Do what we can ; and much as we may esteem our projects of policy, constitution and law, we shall never

* It will be observed that I have here substituted *Canada* and *Nova Scotia*, for "Boston and Philadelphia," in the original quotation from Mr. Burke

be able to produce a state of unalloyed happiness. But, as to this "glorious sight," it would not in my opinion, be attended with more inconvenience, because seas and ships happened to form a part of the *dramatis personæ*, than that which is experienced in other parts of the empire. I have heard, and I believe there can be no doubt of the melancholy fact, that, not many years since, "the members returned, and the petitioners, with all their train of attornies, solicitors, mayors," &c. on their way from Kirkwall, in the Orkney islands, "to the bar of the house of commons," were not only wind bound during a whole month among these bleak islands, but that they afterwards perished to a man in attempting to make the main land, before the storm had altogether subsided ! Is it possible that a greater misfortune than this could happen to the colonies ; and what are the Orkney islands but the poorest and most miserable of dependencies ? And yet we are told, that, from whatever point of the compass the wind may blow, we are sure to become the victims of some elementary conflict. Let this, however, be as it may, I do not think that the "glorious sight" with which we are to be favoured at the bar of the House of Commons, can much exceed in pomp or magnificence those of somewhat a similar character which we daily witness at the Council Board, and the bar of the House of Lords, when *writs of appeal*

have been returned from the four quarters of the globe. These are, as they ever ought to be, the proper "bar" for attornies, solicitors, and the five hundred or a thousand witnesses of the cavillers. Long may the system continue. Long may Great Britain continue to gather her subjects around her for justice and redress. Long may her paternal arm be stretched forth to protect and defend her loyal and dutiful children in all parts of the world. Long may she continue the patroness of freedom, honour and morality. Long may she nourish the brave and succour the destitute. But when writs of appeal to her tribunals, and all other applications for justice, cease to be made from all parts of the King's dominions, then, and not till then, will the colonies yield their claim to a parliamentary representation, whatever obstacles may be thrown in their way. The one privilege involves the other. Both are equally due; and they must ultimately be united in one bond of endearing protection and obedience.

There yet remain some additional objections, which must not be allowed to pass unanswered. They tell me "that some of the most considerable Provinces of America, have not in each of them *two* men who can afford, at a distance from their estates, to spend a thousand pounds a year. How can these provinces be represented at Westminster? If their province pays them, they are American agents,

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with salaries, and not independent members of parliament." I hope, that however much wealth may add to the dignity and independence of a member of parliament, the time is not come when representation at Westminster will depend upon the thousands that can be spent in its purlieus. I hope the first part of the objection is not intended as an insult to the colonies. If so, they will bear it in silence, however hard upon them, because it was originally urged against them by an ancient friend. But whatever may have been the case in the days of Mr. Burke, and even then the assertion was rather wanton, nothing can be more unfounded in truth than its application to the present times. I do not think that there is a colony or province within the dominions of the empire, capable of electing a member of parliament which could not if necessary, send at the very least six times that number to represent it at Westminster, rich enough to spend, either at home or abroad, double or quadruple the sum mentioned. Let me ask, what has become of the immense fortunes which, we are told, are daily made in the colonies? Where are the lucky fellows who realize them? Search, I pray you, London and Westminster, Edinburgh and Dublin, Bath and Liverpool, and mayhap you may find not a few of them. On what do they live in those

large, sumptuous, and extravagant cities, every one a metropolis? Will a thousand pounds a year support any one of them, with a family? By no means: nor three, nor four, nor, in most cases, five times the amount. But are no individuals resident in the colonies, who can afford to spend a thousand a year? Rude and insulting supposition! I tell you that there are, to a number that would fill both houses of parliament in ten minutes time. And yet I am told there is not a man amongst them all, who could afford to spend a thousand pounds a year at a distance from his estate. Try them. Give us once leave to elect such men, to send them to represent us at Westminster, and we shall take our chance of finding them out, without any fear of the consequences. But, suppose we failed in mustering such an array of thousands of pounds *per annum*, and that we were all as poor as some creatures who creep into parliament to keep out of jail, is it because we are poor, that right and justice are to be denied to us? Is it because they are poor, that British subjects are to be proscribed? Rich or poor, it is better to have some representation than none at all. It is a hard thing at once to upbraid us with our poverty and deny us the means of bettering our condition. It is both unmanly and tyrannical. I hope there is still in the nation more magnanimity and generosity,

than to subscribe to a doctrine that would destroy the bonds of nature and of nature's laws. I know there are.

As to the second part of the objection, I do not think it will be necessary to dwell long upon it. We are told that if our representatives are paid, they will be agents with salaries, and not independent members of parliament. What can possibly be more ungenerous than this? I gave mankind some credit for humanity till now. We are in the first place told, that, being too poor, we cannot afford to send members to parliament. I think I have settled that point. But, in the next place, I am informed, that although our representatives must necessarily be poor and cannot afford to spend a thousand a year in that gloomy place Westminster, we are not to be allowed to pay them, so as to enable them to do so, as that would make them agents and not representatives. What does it signify what it would make them; seeing we are neither allowed to have them, because they cannot spend money, nor to pay them in order to enable them to live like gentlemen at Westminster? Here are Scylla and Charybdis with a vengeance. The gods preserve Ulysses and all his fleet:

“ Incidit in Scyllam qui vult vitare Charybdim.”

On the one side, we are suddenly cast upon the frowning peak of No-Representation-At-

All, because we have missed stays in tacking towards Golden Point. On the other, appears to our astonished view the whirlpool of Poverty. In endeavouring to escape all these perils, we make all sail with stout hearts for Payment Harbour. But the savages on shore not only refuse to succour us, but threaten us with death, if we approach nearer the land; and away again we scour, as mere supercargoes, on the gale of disappointment and despair. Our situation is truly forlorn. Yet still a ray of hope breaks through the surrounding gloom; for we are told—"it is true that formerly in England members had salaries from their constituents; but they all had salaries, and were all, in this way upon a par." It appears nevertheless, that they were at times, like other commodities, *below par*; for every one remembers, that, in the reign of Edward III, the sheriff made a return "that he could not find in the county of Lancaster any city or Borough capable of returning members to parliament *by reason of their inability of forwarding them!*" Now, of course, all these English members, must have been paupers like ourselves, otherwise they could not all have salaries. Suppose then the colonial members to be in the same unfortunate predicament, what is to hinder us from putting *them* all "upon a par," by paying them for what they cannot afford to expend themselves, and by consequence secure

their services in parliament, in the same way, and on the same conditions that similar services were performed by the framers of Magna Charta and the Bill of Rights? Let us be content then. If we pay the whole of our members they will all be upon a par; and therefore, as a matter of course, they will be constituted real independent members of parliament, and not mere salaried agents, as our opponents would make us believe. This is all we want. Give us leave to elect members of parliament; and depend upon it, that whether they are rich or poor, paid or unpaid, we shall trust to their efforts to do us justice, without being a burthen upon any individual or party in the state. That is our affair, not yours. Yet, after all, we had rather pay our members than be altogether unrepresented. We do so at home, however disgraceful and unconstitutional it may appear to some persons. You have yourselves sanctioned the measure; and surely there cannot be greater objections to paying those representatives who do our work abroad, than to those who perform their duty at home.

To complete our misery, it is added—"If these American representatives have no salaries, then they must add to the list of our pensioners and dependants at court, or they must starve. There is no alternative." It is certain that the choice of prospects between starving and being pensioners upon the alms of either

a monarch or the people, is no less an embarrassing than a melancholy one. It has nothing very flattering in it either way. But I thought the pension list had been annihilated. If it has—and I hope it has—nothing can now be extracted from that ancient source of corruption and iniquity. As to starving, I have already shown, that, thanks to God, we are in no such condition; but, on the contrary, in a state of affluence, so far as regards the *necessaries* of existence, equal if not superior to the Mother Country herself, whom we every day feed with our *surplus* produce! We do still more. We daily receive and shelter her vagrant and destitute population, who are thrown upon our shores in thousands, like hordes of prowling barbarians. We receive them hospitably: we supply their wants: we cure their diseases: we check their voracity for food: and ultimately rear them into useful and industrious members of the state. This of itself is a deed worthy of some acknowledgment; and surely nothing could be more grateful to the feelings of a loyal and warm hearted people than the boon which they now desire—the power of raising their voice by their representatives in the most august assembly of freemen in the world. They desire to continue united both in kindred and council with their Mother Country; and to cherish those affectionate remembrances which do honor to the human breast. *There is an alternative.*

I trust that in this chapter I have maintained my ground without contempt of the dead or offence to the living. I trust I have obviated at least a few of the objections which have been urged against colonial representation. I shall now proceed to show in the next chapter, the beneficial effects of national and legislative union.



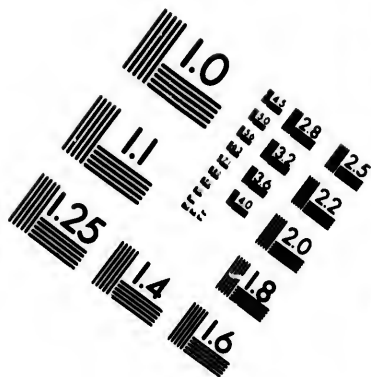
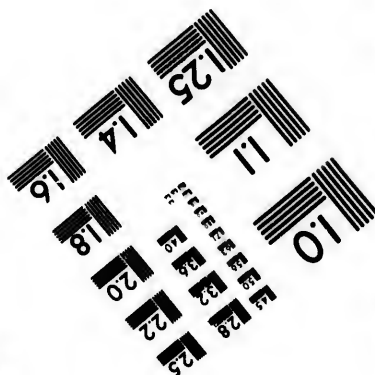
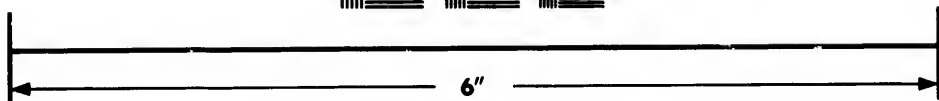
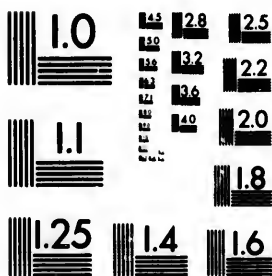


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CHAPTER IV.

Historical Sketch of the beneficial consequences of national and legislative Union.

I believe that but few of my readers can be unacquainted with the historical details to which it will be necessary to devote this chapter, in order to illustrate the proposition which I have prefixed to it. But however familiar and universal this acquaintance may be, it must at the same time be admitted, that it is not from a privilege so interesting history receives its reward in the example afforded to posterity, but rather from those permanent impressions which ought ever to characterize a free and enlightened people. Any one capable of perusing the pages of history can easily recite the exploits of the warrior, the schemes of the statesman, the eloquence of the orator, the clamours of a people, or the revolutions of an empire ; but how few there are, even in an age of science and philosophy, who can trace causes from their effects, or deduce a legitimate moral from events, so as to render them beneficial to mankind ! Difficult, however as such speculations may be, and incapable as I conceive myself to be of master-

ing any one of them, I shall nevertheless presume in the course of this chapter, to borrow from history a short series of fundamental maxims and authentick facts, which I hope will have the effect, not only to illucidate the general question under consideration, but of deeply impressing on the minds of the rulers and legislators of a great empire the policy as well as the utility of combining its scattered elements, and uniting them into one adhesive mass of strength, energy and activity.

Nations are composed of human beings as well as families, or the most circumscribed circle of society. Whatever, therefore, may be the laws or the national principles of association which govern the one, must necessarily rule and sway the other. They are both composed of the same elements, and are consequently and irreversibly subject to the same laws. There is scarcely an individual in existence; no, not even the boldest savage wandering in our woods, who will say, that he scorns the society and assistance of a brother man. In the same way, there is no nation of men on the face of the earth however civilized, however independent, however great, however free, however famous for arts and arms—for prowess in the field or wisdom in the senate—that can stand aloof, and alone, and at once despise and defy surrounding states. England, enthroned in might and grandeur though she be in her

everlasting island, surrounded by an ocean whitened by a thousand "winged messengers of vengeance, carrying her bolts in their pounces to the remotest verge of the sea;" and with dominions which the sun never ceases to illumine: France, enobled though she be by wealth, population and bravery; with passions that have petrified the human race with alarm and astonishment; and with an army that has already and may soon again overrun and conquer continental Europe: or Russia, with its red, white, and black talons, grasping like a despotick giant the confines of Europe and Asia, and even menacing America with its barbarick hordes from the banks of the Don, the Danube and the Volga,—could neither of them exist as an independant empire for a day, if, in an unguarded moment of pride and arrogance, it renounced all confederacy with the other kingdoms of the earth, and endeavoured to trample at once on the laws of nature and of nations. If this be true—if it be true that neither men nor empires can subsist without associating with one another, no matter what the motives may be, whether fear or affection, policy or interest; it must be equally true, that nothing can redound more to the general welfare of any individual state, than a legal and constitutional combination within itself of all its members and institutions, however distant from each other or diversified in their nature. The great fundamen-

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tal object in the establishment and permanent formation of an independent nation or empire, is the subjection of the people to one uniform system of government and laws, so as to preserve by the mutual vigilance and activity naturally arising from such a system general tranquillity within, which is the fruitful parent of prosperity, and respect and security from without. This is the broad and only secure basis of every political association ; and nothing can be more remarkable than the remote period at which mankind began to erect upon it the not less wonderful than glorious superstructures of science and government. "That condition," says an eminent moral philosopher,* "is surely favourable to the nature of any being, in which his *force is increased* ; and if courage be the gift of society to man, we have reason to consider his union with his species as the noblest part of his fortune. From this source are derived, not only the force but the very existence of his happiest emotions ; not only the better part, but almost the whole of his rational character. Send him to the desert alone, he is a plant torn from his roots : the form indeed may remain, but every faculty droops and withers ; the human personage and the human character cease to exist." If we withdraw the application of this

* Adam Ferguson. See History of Civil Society.

beautiful passage from man as an individual, and transfer it to the state and circumstances of a nation, it will be found to be not less philosophically true. For what can possibly increase the force of a nation more than union and tranquillity within itself, combined with the good will and assistance of neighbouring countries? If there be a desert of Empires, as I fear and believe there is, what can prostrate an individual nation lower, and expose it to greater calamities, than the blighting contempt of foes or the desertion of ancient allies? But, above all what national condition can be more deplorable than that which involves internal dissension superadded to colonial dismemberment? It must have been in the contemplation of an awful crisis of this description that Cicero, in the possible hope of warding off the melancholy catastrophe which awaited his country, exclaimed:—"The whole universe forms one immense commonwealth: gods and men who participate in the same essence, are members of the same community; reason prescribes the law of nature and nations; and all positive institutions however modified by accident or custom, are drawn from the rule of right, which the Deity has inscribed on every virtuous mind." But to proceed with my illustration.

I. I shall not stop to inquire whether the early history of GREECE be true or fabulous; or whether the historians of that celebrated

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country, in describing the rise and progress of its political institutions, have recorded facts or the mere theories of their own philosophical speculations. It is sufficient for my present purposes to admit, that if the events did not actually take place at the times and in the manner described, the knowledge of their necessity as well as of their utility, existed at a very remote period of time. All history bears testimony of the fact, otherwise extremely probable, that the states of Greece were originally occupied by wandering clans or small communities of independent nations, like the aboriginal tribes still existing in our own continent and country. The first efforts of government were displayed in collecting those little nations together, and associating them into one political body, with one chief or sovereign to govern them, and one uniform system of laws to guard their mutual rights. Theseus seems to have been the first who exercised any effectual and permanent authority of this kind ; although it is generally admitted that, as a legislator, his opinions were favourable to democracy and popular government. Previous to his time Attica was divided into twelve Districts, each having a jurisdiction of its own, independent even of the sovereign. In each of these divisions Cecrops had founded what historians have dignified with the name of a city. But this arrangement was attended with the usual

consequences of a weak and divided authority. Each petty state, or rather tribe, formed a distinct government in itself, and they were often at war with each other. It would be vain to expect any union of sentiment or action from a body so heterogeneous and diversified in its polity and interests. No danger could unite them in mutual defence: no calamity in unanimous deliberation. Under such circumstances it was impossible that public tranquillity could be preserved, or public prosperity promoted. Theseus therefore became a reformer, but a conservative one. He abolished all these separate and independent jurisdictions: he reduced the magistrates and dissolved the assemblies. He demolished the edifices in which justice was administered and councils held. He subjected the inhabitants of all Attica to the sole sovereignty, jurisdiction and legislation of Athens, whither all the tribes assembled as often as the public exigency required their assistance. In this way Athens became at once the mother and queen of cities: the nurse of patriots and orators—of statesmen and philosophers—of arts and sciences. Her policy and laws became as useful as her exploits became famous.

But another measure became necessary in order to secure not only the gifts of the gods to Athens, but the freedom and independence of all Greece. This measure, which is deser-

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vedly the most celebrated in the political annals of mankind, which indicates the highest degree of political wisdom, and is the first instance on record of delegated or representative authority, was the general council or *Congress* of the *Amphictyons*. As nothing can be more interesting in itself, as a study to politicians of every description; and as nothing can shed greater light on the project under consideration, than this remarkable institution, I shall make no apology for giving in this place a slight sketch of its constitution and the beneficial effects flowing from it.

This general and illustrious council of the states of Greece enjoyed the name of its founder, Amphictyon, patriarch or king of Thermopylæ, as well as participated in his wisdom and patriotism. Reflecting on the divided state of Greece: on the internal factions and seditions which such a condition naturally and frequently generated; and the difficulty of rendering the inhabitants formidable to neighbouring nations in the event of insults or incursions, Amphictyon formed the ever-memorable plan of uniting by a common tie all the different states of Greece. This famous league was originally composed of the principal cities of Greece; and from time to time, others were added to it or expelled from it, according to their good or bad conduct. Each city sent two deputies or representatives, who met at Ther-

mopylæ twice every year, in spring and autumn. *The difficulties of the journies, or the dangers of the voyages performed by these deputies, have not been recorded.* There was an equality of rights and prerogatives in this assembly ; and the states delegating the members who composed it, lost none of their municipal rights or privileges. From this moment the different states of Greece became one great Republick. It was a great confederacy of nations, similar in every respect to that of the United States of America, of which it also seems to have formed the model ; for, in the conception of their general government, I cannot yield to them the palm either of originality of invention or priority of adoption. I shall not, however, venture upon a minute detail of the power and privileges of the general assembly of the Amphictyons. They have been often described by the most celebrated authors of ancient and modern times. It may, however, be observed that this potent assembly had full power finally to discuss and determine all differences that might arise between the constituent states, and to impose severe penalties on convicted delinquents. Here publick quarrels were determined, and national differences decided when no other means were left to compose them. Its laws were sufficiently powerful to enforce its decrees : to levy armies when necessary : and to reduce the rebellious either

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into submission or punishment. It could declare war ; and the wars undertaken under its immediate authority and direction, are an evident proof of the extensive power which it enjoyed. But its general constitution, and the importance attached to it throughout all Greece, can be best studied in the form of the oath administered to the members, which *Æschines* has preserved in these words: " I swear that I will never destroy any of the cities honoured with the right of sitting in the *Amphictyonick* Council, nor turn their running waters out of their course either in times of war or peace. If any people shall make such an attempt, I hereby engage to carry the war into their country, to demolish their cities, towns, and villages, and to treat them in every respect as the most cruel enemies. Moreover, if at any time any person shall dare to be so impious as to steal and take away any of the rich offerings preserved in the temple of *Apollo*, at *Delphi*, or abet any others in committing that crime, either by aiding or only counselling him therein, I will use my feet, hands, voice ; in a word, all my powers and faculties, to avenge such sacrilege." No modern oath of allegiance can be more binding and patriotick than this ; but the obligations which it imposed upon the *Amphictyons*, were further consecrated by the most awful imprecations and execrations. This proves the importance attached to the office of

an Amphictyonick counsellor, and the great and extensive confidence reposed in him by his constituents.

It may therefore be readily conceived, and, indeed history amply proves the fact, that while this state of things endured, Greece was happy at home and honoured abroad ; as every nation that follows her example in this respect must necessarily be. By this great and distinguished association the political union of the various states of Greece, however much differing in policy or laws, interests or religion, emulation or ambition, was maintained pure and entire for ages. The arts flourished, commerce increased, and philosophy resumed her empire. In arms, these states combined were invincible on sea and land. They contended for the sovereignty of the earth with the most powerful monarchs and the most numerous armies that ever took the field, whom they often routed and destroyed. Marathon and Platœa, Salamis and Thermopylæ, are imperishable monuments to their warlike exploits. Thus, to use the expressions of an author whom I have already quoted, “ what was in one generation a propensity to herd with the species, becomes, in the ages which follow, a principle of national union. What was originally an alliance for common defence, becomes a concerted plan of political force ; the cares of subsistence becomes an anxiety for accumulating wealth, and

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the foundation of commercial arts." But at length the star of Macedon arose from the forests of the north and soon became lord of the ascendant in Amphictyonic Greece. From the moment that the Amphictyons condescended to admit Philip into their body, their authority may be said not only to have declined, but to have terminated; although as Pausanias states, the form was kept up till the time of Antoninus Pius. The father of the conqueror of the world no sooner obtained a voice in this illustrious council than he became perpetual president and dictator of it; which office he had the audacity from time to time to execute by proxy. "When he does not deign," says Demosthenes, "to honour us with his presence he sends his slaves to preside over us." Thus the respectability of the Amphictyons declined, and their authority ceased to be the guide and protector of Greece: a melancholy instance of the fate of nations; and a perpetual oracle, warning mankind of the dangers at once of dissension and innovation.

II. ROME, I must confess, does not afford so brilliant and enduring an illustration of my subject as the interesting country whose institutions we have just considered. But there is still enough in the history of the mistress of the world to convince us, that had the knowledge and the practice of the principles of delegated

or representative authority been extended to and enforced in this mighty empire, as they had been in Greece, we should not now be doomed to deplore either the circumstance itself or the miserable fall of so great and glorious a political edifice. As it was, however, Rome, in the course of her progress to imperial sway, exhibited many remarkable instances of her desire to become closely associated in the bonds of mutual obligation with her colonies and provinces : and it cannot be denied that her object was ultimately, though not permanently obtained. It is only by considering the mode in which she settled and sent forth these provinces and colonies, and the laws and privileges which she conferred upon them, that the fact can be established.

Every schoolboy knows that originally Rome was confined to the narrow limits of a small mount on the banks of the Tyber, but that its empire was progressively extended not only over all Italy, but over almost the whole of the habitable world. The first conquests of the Romans were necessarily in the vicinity of their capital. Having in different wars subdued the various states of Italy, which comprised the country situated between the Tuscan and Adriatick seas, to the Rivers Rubicon and Macra, these states were received into alliance with the Citizens of Rome on certain conditions, indulgent and liberal in proportion to the re-

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sistance offered to the arms, or the confidence reposed in the majesty of the Roman people. Some of them were suffered to enjoy their own laws and magistrates, while others were subjected to Roman jurisdiction. They were generally taxed in their own cities, and were bound to furnish a certain number of soldiers according to treaty; but as yet they did not participate in the freedom of Rome. However, after enduring a variety of good and ill fortune; and after the long and violent struggle of the social war, they obtained all the rights and privileges of free citizens. Not long afterwards similar favours were granted to various cities and states beyond Italy.

The Roman PROVINCES were those countries which the arms or the policy of the empire had reduced to obedience, and subjected to its government. The Senate being informed of the reduction of any country, consulted what laws should be prescribed to the inhabitants, and forthwith despatched ambassadors with full powers, in conjunction with the conquering hero, to declare their sentiments and settle every thing. This being done, and the terms of the new code publicly proclaimed, the province was pronounced to hold in dependence and subjection to the Roman people.* Into

* The first country reduced to a Roman Province was Sicily.

each province a *præses*, or governor, was sent, to command the troops, and administer justice. He was accompanied by a *quæster*, or public accountant, who took care of the revenue, and was responsible for all monies received and expended in the province. The provinces were oppressively taxed. The moment they were vanquished, the Romans imposed upon them either an annual tribute, which was called *census capitis*, or they were mercilessly deprived of a part of their lands. Planters were frequently sent from the city to cultivate these lands, or they were restored to the owners, on condition that they should give a certain part of the produce to the Republick, which was called *census soli*. Those who paid taxes in money were called *stipendiarii*; and those who paid them from the produce of the soil, *vectigales*.

The Roman *municipia* were foreign towns which obtained the rights of Roman citizens, of which there were different kinds. Some possessed all these rights, except such as could not be exercised without residing in Rome. Others might be enjoyed by serving in a Roman legion, but had not the right of voting or of obtaining a civil office. The *municipiæ* enjoyed their own laws and customs; and could not be compelled to receive the Roman laws without their consent. These free towns were anciently confined to Italy; but they were af-

towards scattered throughout all the Roman provinces.

COLONIES were cities or lands which Roman citizens were sent to inhabit. The transplantation was generally conducted by three Commissioners: in the words of Livy, *per triumviros coloniæ deducendæ agroque dividundo*; and sometimes by five, ten or more. Even twenty Commissioners were appointed to superintend the settlement of the colony at Capua by a Julian law.* The Colonists marched to their future country in the order of an army, with banners indicative of their views. The extent of the lands being delineated by the furrow of a plough, his own proportion was assigned to every one that composed the colony. It was unlawful to repeat the plantation of a colony, though supplies might be furnished to the first settlers. The anniversary of the settlement of a colony was solemnly celebrated; *diem natalem coloniæ religiose colebant*. These colonies could exercise no other laws than those prescribed by the Romans; and if a new case occurred which had not been provided for in the original constitution, the determination of it must proceed from Rome. Their

* This is the true and only beneficial plan on which emigration can be conducted. I hope a better one than the present may be adopted by Great Britain. The Colonies will otherwise be of little value.

two chief magistrates were called *Duumviri*. Their senators were called *Decuriones*, and required each a qualification of a hundred thousand *sestertii*, or about ninety thousand pounds of our money. *Each of these Colonies had a patron who took care of its interests at Rome.*

Anciently, all those who did not come within the denomination of Roman citizens, were called *Peregrini*, or foreigners, no matter where they lived, whether in the city or in the provinces. But Caracalla having granted the freedom of the city to all the free-born inhabitants of the Roman empire, and Justinian having extended the same boon to freed-men, the name of foreigner sunk into oblivion; and the whole world was divided into Romans and barbarians.*.

It thus appears that the Romans, in a spirit of liberal and enlightened policy, worthy of a better fate, and of the general imitation of modern nations, progressively extended the language, laws, and privileges of the metropolis to all the inhabitants of the empire. The republick might indeed glory, as it is said she did, in a policy so generous, which was fre-

* These facts have been borrowed from "The Roman Antiquities." For the style and the abbreviated form in which they are now presented, I am alone responsible.

quently rewarded by the merits of every kind which from time to time had been displayed by its adopted children. Had the distinction of Roman citizen been always confined within the walls of the capital, Virgil and Horace, Cato and Cicero, Marcus and Justinian, with a long line of worthies eminent in arts and arms, would have been ranked among barbarians; and neither arms, poetry, nor eloquence would have been to Rome what they had before been to Greece, her best and most enduring ornaments. "The publick authority," says a celebrated historian*, "was every where exercised by the ministers of the senate and of the emperors, and that authority was absolute and without controul. But the same salutary maxims of government, which had secured the peace and obedience of Italy were extended to the most distant conquests. A nation of Romans was gradually formed in the provinces, by the double expedient of introducing colonies, and of admitting the most faithful and deserving of the provincials to the freedom of Rome.

" 'Wheresoever the Roman conquers, he inhabits,' is a very just observation of Seneca, confirmed by history and experience. The natives of Italy, allured by pleasure or by inter-

* Gibbon.
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est, hastened to enjoy the advantages of victory ; and we may remark, that about forty years after the reduction of Asia, eighty thousand Romans were massacred in one day by the cruel order of Mithridates. These voluntary exiles were engaged, for the most part, in the occupations of commerce, agriculture, and the farm of the revenue. But after the legions were rendered permanent by the emperors, the provinces were peopled by a race of soldiers ; and the veterans, whether they received the reward of their service in land or in money, usually settled, with their families, in the country where they had honourably spent their youth. Throughout the empire, but more particularly in the western parts, the most fertile districts, and the most convenient situations, were reserved for the establishment of colonies ; some of which were of a civil and others of a military nature. In their manners and internal policy, the colonies formed a perfect representation of their great parent ; and they were soon endeared to the natives by the ties of friendship and alliance ; they effectually diffused a reverence for the Roman name, and a desire, which was seldom disappointed, of sharing in due time, its honours and advantages.* The municipal

* Twenty five colonies were settled in Spain ; and nine in Britain, of which London, Colchester, Lincoln, Chester, Gloucester, and Bath, still remain considerable cities.

cities insensibly equalled the rank and splendour of the colonies ; and, in the reign of Hadrian, it was disputed which was the preferable condition, of those societies which had issued from, or those which had been received into the bosom of Rome. The right of Latium, as it was called, conferred on the cities to which it had been granted, a more partial favour. The magistrates only, at the expiration of their office, assumed the quality of Roman citizens ; but as those offices were annual, in a few years they circulated round the principal families. Those of the provincials who were permitted to bear arms in the legions ; those who exercised any civil employment ; all, in a word, who performed any publick service, or displayed any personal talents, were rewarded with a present, whose value was continually diminished by the increasing liberality of the emperors. Yet, even in the age of the Antonines, when the freedom of the city had been bestowed on the greater number of their subjects, it was still accompanied with very solid advantages. The bulk of the people acquired with that title, the benefit of the Roman laws, particularly in the interesting articles of marriage, testaments, and inheritances ; and the road of fortune was open to those whose pretensions were seconded by favour or merit. The grandsons of the Gauls, who had besieged Julius Cæsar in Alesia, commanded legions, governed provinces, and were

admitted into the Senate of Rome. *Their ambition, instead of disturbing the tranquillity of the state, was intimately connected with its safety and greatness.*

“ It is a just, though trite observation, that victorious Rome was herself subdued by the arts of Greece. Those immortal writers who still command the admiration of modern Europe, soon became the favourite object of study and imitation in Italy and the western provinces. But the elegant amusements of the Romans were not suffered to interfere with their sound maxims of policy. Whilst they acknowledged the Greek, they asserted the dignity of the Latin tongue, and the exclusive use of the latter was inflexibly maintained in the administration of civil as well as military government.* The two languages exercised, at the same time, their separate jurisdiction throughout the empire: the former, as the natural idiom of science; the latter as the legal dialect of publick transactions. Those who united letters with business, were equally conversant with both; and it was almost impossible, in any province, to find a Roman subject, of a liberal education, who was at once a stranger to the Greek and to the Latin language.

* The emperor Claudius disfranchised an eminent Grecian for not understanding Latin. He was probably in some publick office.—*Suetonius.*

“ It was by such institutions that the nations of the Empire insensibly melted away into the Roman name and people. Domestick peace and union were the natural consequences of the moderate and comprehensive policy embraced by the Romans. If we turn our eyes towards the monarchies of Asia, we shall behold despotism in the centre, and weakness in the extremities ; the collection of the revenue, or the administration of justice, enforced by the presence of an army ; hostile barbarians established in the heart of the country, hereditary satraps usurping the dominion of the provinces, and subjects inclined to rebellion, though incapable of freedom. But the obedience of the Roman world was uniform, voluntary, and permanent. The vanquished nations, blended into one great people, resigned the hope, nay even the wish, of resuming their independence, and scarcely considered their own existence as distinct from the existence of Rome. The established authority of the Emperors pervaded, without an effort, the wide extent of their dominions, and was exercised with the same facility on the banks of the Thames, or of the Nile, as on those of the Tyber.”*

III. Descending from the bright but melancholy page of ancient history to modern times

* Decline and Fall. Vol. I.

and nations, we discover equally interesting materials in proof of my proposition. Some of these, however, I shall merely allude to, so as to recall them to the remembrance and consideration of the reader: others I may be tempted to dwell upon more at large.

GERMANY and the Germanick Diet still exist: the one as a great, powerful and accomplished nation; the other, if it were possible to imbue its constitution with a more energetick spirit, one of the noblest fabricks of political confederation that now does or ever did, exist. I shall not enter into any detail either of its origin or beneficial consequences. Yet I cannot but anticipate the time, when, by the fast-spreading torch of mental knowledge, and the rapid tide of national freedom and prosperity, it will rise again from its ashes, and illumine the whole of that dark and unfortunate territory which extends from the Rhine to the Nieper, and part of which is now a prey to the ferocious and despotick grasp of Muscovy.

IV. THE SEVEN UNITED PROVINCES are well known; for the history of their union and independence is deeply and indelibly engraven on every free-born heart. They were once the slaves of a Philip, and the victims of an Alva. But they spurned the degrading yoke, and trampled it for ever under their feet. An independent mind dictated the noble deed; but

political confederacy, on equal and common terms, alone accomplished it. That a small country redeemed by the industry of the inhabitants from the inundations of the ocean, and often degraded in the eyes of neighbouring nations as the abode of a horde of poor fishermen, should not only preserve their independence against the mightiest potentate in Europe, but attack and annoy that monarch in his own ports at home ; fit out and maintain fleets that overawed Europe ; establish a flourishing commerce in every corner of the universe ; obtain great and permanent possessions in both the old and the new worlds ; and become at last a great and potent state, vying with surrounding kingdoms in wealth, arts and arms, will ever appear alike incredible and astonishing. It is nevertheless true ; and will remain an everlasting monument of the UNITED wisdom of a free, bold and industrious people.

V. The history of the **BRITISH ISLES**, from the union of the kingdoms of the Heptarchy to the present times, presents one unbroken and splendid chain of evidence in support of my propositions. It has no parallel in the history of the world ; and no nation in the universe has consequently been able to maintain the blessings of freedom so pure—to carry the authority of government and law to a higher point of perfection, or to acquire dominions so exten-

sive and valuable, as these islands have done. In order to effect a power which cannot be destroyed, and a respect among empires which cannot be tarnished, it is only necessary to associate more closely the interests of the Colonies with their own; and, by mixing their voices in one general council, to *complete* a constitution unrivaled in the history of mankind.

The great event of the union of the Heptarchy took place in the year 827. It was primarily accomplished by the brave and indefatigable Egbert; but it was not finally cemented until his grandson, Alfred the Great, had expelled the piratical Danes; and, by calling together the States of England twice a year at London, had at once earned to himself the title of Founder of the English monarchy, and laid the foundation of that noble superstructure, the British government. Thus, four centuries after the arrival of the Saxons, was England united into one great and entire empire, from the confines of Scotland to the channel which divides it from continental Europe.

Yet Wales was still excluded from these natural boundaries. Here the ancient and aboriginal Britons had taken refuge; and defended themselves during many ages, and often with considerable success, against the incursions of the Saxons, the Danes and the English. However, Edward the First and Henry the Third

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complicated the conquest of the Welsh; and Henry the Eighth united them with the realm of England. Previous to this, the manners of the people corresponded to the form of their government, which was of the worst and most heterogeneous description. It cost many an act of parliament and many an armed force to bring Wales into real subjection to the English government; and, notwithstanding the severe penalties inflicted upon that devoted country, it was not until a *legislative* union had at last been adopted, that the object of England was accomplished. In the twenty-seventh year of the reign of Henry VIII. an act of parliament was passed giving to the Welsh all the rights and privileges of English subjects. "But," to use the language of Burke,* "that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties, *the grant of their own property* seemed a thing so incongruous; that eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales by act of parliament. From that moment, as by a charm, the tumults subsided; obedience was restored, peace, order, and civilization, followed in the train of

* In his "Speech on conciliation with America."

liberty. When the day-star of the English constitution had arisen in their hearts, all was harmony within and without.

“ Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor :
Concidunt venti, fugiuntque nubes :
Et minax (quod sic voluere) ponto
Unda recumbit.”

The very same year a similar boon was conferred by parliament upon the county palatine of Chester ; which till then experienced similar oppressions and deprivation of natural rights and privileges as those endured by Wales. The petition of the people of Chester on this occasion to parliament, though simple and primitive in its expressions, conveys so complete an idea of the condition of British subjects deprived of representation in parliament, and forms so excellent a model for the adoption of the Colonies, that I shall make no apology for transcribing it at length :—

“ To the king our sovereign lord, in most humble wise shown unto your excellent majesty, the inhabitants of your grace’s county palatine of Chester ; that where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and burgesses within the said Court; by reason whereof the said inhabitants

have hitherto sustained manifold disherisons,* losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said county: And for as much as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and borowhs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight nor burgess there for the said county palatine; the inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."

"What," again exclaims Burke, "did parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of the common

* The act of debarring from inheritance.

hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; *and consecrated its principle to all ages in the sanctuary of legislation.*"

The enacting part of this celebrated union act* is expressed in these terms:—"For remedy whereof, the parliament *acts*, and it is enacted, that the county of Chester should have two knights, and the city two burgesses, which knights and burgesses are to have the like voice and authority to all intents and purposes,—the like liberties, advantages, dignities, privileges, &c. with other knights and burgesses."

In the reign of Charles II. the example of Chester was followed with respect to the county palatine of Durham, which had hitherto been excluded from the pale of English legislation. The style and the preamble of the Chester act were copied; and thus was for ever established the glorious and immutable principle, that no British subject, wherever situated within the bounds of the empire, can be taxed without his own voluntary consent to the grant, however small it may be.

* 34 and 35 Henry VIII.

I come now to the greatest and most illustrious example of the whole—the union of England itself with the ancient and renowned kingdom of Scotland. This great event was finally and satisfactorily accomplished in 1707; and united—I hope for ever—the destinies of two great nations, sprung from the same original stock, speaking the same language, essentially professing the same religion, and whom nature evidently designed to be one people, only rivaling one another in learning, arts, industry, and arms. The beneficial effects of this union, are too well known and felt in almost every corner of the globe to be dwelt upon in this place. I may, however, be permitted to observe with the historians of the event, that nothing certainly could be more obvious than that it was the true interest of two nations solely inhabiting and possessing the same island, perfectly to unite for their common defence against all attacks from the continent; for, by such a close union of hearts, as well as constitution, a people so situated and warlike, and so numerous, could always be able to defend themselves against foreign invasion; but that remaining disjoined, they had their different, and often contrary, interests to pursue, not only in matters of trade and commerce, but even in friendship and affection, with regard to different nations on the continent. The mutual benefits which both countries derived from this

memorable act of legislation, is contained in the fourth article, which declares, that all the subjects of the united kingdom of Great Britain should have full freedom and intercourse of trade and navigation to and from any port or place within the united kingdom, and the dominions and plantations thereunto belonging: and that there should be a communication of all other rights, privileges, and advantages, which did, or might belong to the subjects of either kingdom. These reciprocal advantages have long been enjoyed in internal peace and cordiality. England has embraced a loyal and warm-hearted people who will never desert her in the hour of peril. Scotland, on the other hand, to use the language of the Duke of Wellington on a late important occasion, has in consequence of the union become "*the happiest, the richest, and the most prosperous country in the world.*" This was an union worthy of two such nations. I need only add, *Esto perpetua.*

Though it may be true that the union of Great Britain with Ireland has not been attended by the same benefits which have arisen from the similar measure which I have last considered; yet I shall never admit, with the *real* enemies and agitators of that unfortunate country, that it has neither fulfilled the expectations of the empire, nor produced any favourable results to the people of Ireland itself. On the contrary, it might easily be established beyond all

contradiction, that from the conquest of this unhappy island by the arms of Henry II. to the *legislative* union of 1800, Ireland, politically, and even morally speaking, not only derived innumerable benefits from her connection with England, but, as an agricultural, commercial and manufacturing country, has risen to an unexampled height in the scale of free nations. This is the just and necessary result of national and legislative union ; and, if it can be proved to exist with respect to Ireland, there is an end of the controversy, and my proposition will stand secure on its native and original basis.

Ireland, previous to the English conquest, may be said to have enjoyed neither liberties nor laws. It was inhabited by a horde of wild and roving barbarians, split into a thousand sects and clans ; having no government but that of arms, and no supreme authority but the pleasures or the passions of fierce and dictatorial chieftains. It is true that Ireland had its *Brehon* code, if it may be dignified with that title ; but by an *Irish* statute passed in the reign of Edward III. it was unanimously declared *to be no law, but a lewd custom crept in of later times*. In the reign of Queen Elizabeth, it was further described to have been "a rule of right unwritten, but delivered by tradition from one to another, in which oftentimes there appeared great shew of equity in deter-

mining the right between party and party, *but in many things repugnant quite, both to God's laws and man's.*" But immediately upon the conquest, a parliament and constitutional government, such as England then enjoyed, was communicated to Ireland; and every succeeding year brought in improvement in the freedom and prosperity of the inhabitants. Ireland was made a partaker in the feast of *Magna Charta*, and English laws protected the rights and liberties of the subject. What more could Ireland, or any other conquered country similarly situated, demand? Yet another demand *was* made; and it was granted. Ireland was consolidated into one great union with the British empire; and, during a most momentous period of thirty years, has run a career of prosperity and improvement along with that empire which has no parallel in any age or country. If Ireland have at times lagged behind, that is neither the fault of England nor of her free and generous institutions; but of Ireland herself; it being her duty to have emulated the spirit and followed the example of her sister kingdoms in all that contributes to the happiness and prosperity of nations. As it is, no one can deny that the moral and political condition of Ireland has been greatly ameliorated since the union. British ports and markets both at home and abroad are open to her shipping and commodities. Her surplus population

is sheltered and employed in every part of the British dominions. She has now free and uncontrollable access to the British Senate, of which her sons have ever been the greatest ornaments. She has fought and conquered on every field in Europe side by side with British subjects, and shared in their glory, led on by the bravest of her own native children. I know not what can possibly enhance a condition so envious. Let me therefore conclude with the sincere wish, that the Rose, the Thistle and the Shamrock may never be untwined.

VI. THE UNITED STATES OF AMERICA present too recent and remarkable an instance of the beneficial effects of a federative union, on sovereign legislative principles, to be passed by unnoticed. When, on the 4th of July 1776, these States met in congress, and invoked the Deity to the rectitude of their intentions while declaring themselves "FREE AND INDEPENDENT STATES," it was thought by many that the mere promulgation of such an event by a body enjoying the confidence of the different states by whom it was delegated, combined with an occasional meeting for the discussion of their general concerns, would be sufficient to fulfil the publick expectations, and secure to the American people that permanent liberty and independence which they now so universally panted for. But this seems not to have

been a prevalent opinion in the congress itself; for after launching the vessel of the new-born state, the first proceeding of this modern Amphictyonick council, was to digest and prepare a better constitution than that by which they had been hitherto governed. The result was the famous "ARTICLES OF CONFEDERATION AND PERPETUAL UNION." These were "DONE at Philadelphia" on the 9th of July, 1778; but they were not "finally ratified" till the first of March, 1781. The first article declared the stile of the confederacy to be "UNITED STATES OF AMERICA." It is true that these articles of confederation were in a few years abrogated as unsuitable to the new condition of America; but it nevertheless served as a great and central rallying-point during what remained of the contest with the mother country; served as a bond of general union to the states that composed it; and ultimately enabled them to triumph over the prostrate laws and arms of the most renowned country in the old world. By its means they accomplished their primary end: to render it better calculated to consolidate their future interests might be the study of more collected moments, and the produce of more enlarged experience. Nor, when peace came, was such study neglected, nor such experience found wanting. The battle of independence having ceased, its dangers averted, and its difficulties overcome; a number of

the states that composed the federal union became refractory and reckless of its dictates; the ties of supreme rule were loosened; demands for supplies were neglected and, in some instances, absolutely refused; and the arm of general authority became suddenly too lax and too short to wield the powers of the constitution with any effect over so heterogeneous and extensive an empire.

"It was found impracticable," says an eminent and learned commentator* on the Constitution of the United States, "to unite the States in any provision for the national safety and honour. Interfering regulations of trade, and interfering claims of territory, were dissolving the friendly attachments, and the sense of common interest which had connected the union during the arduous struggles of the Revolution. Symptoms of distress, and marks of humiliation, were rapidly accumulating. It was with difficulty that the attention of the States could be sufficiently excited to induce them to keep up an adequate representation in congress, to form a quorum for business. The finances of the Union were annihilated. The whole army of the United States was reduced, in 1784, to eighty persons, and the

* Chancellor Kent.

States were urged to provide some of the militia to garrison the Western Ports. 'In short,' to use the language of the Federalist, 'each State, yielding to the voice of immediate interest or convenience, successively withdrew its support from the confederation, till the frail and tottering edifice was ready to fall upon our heads, and crush us beneath its ruins.' The inevitable consequence in every case in which a member of the Union choose to be disobedient, was either a civil war, or the annihilation of national authority."

But the love of real and enduring liberty, the predominant feature in the American character: their wisdom, prudence, and reflection of the people, enabled them to obviate a calamity of this kind; and they proceeded without delay to remedy the defects in their first practical essay in federative government. In March, 1789, the scheme of government which at present forms the Constitution of the United States of America, was duly ratified and put into operation. As a republican system of government—of which, however, in all its ramifications, I am far from being an admirer—this must certainly be admitted to be the noblest monument of the wisdom and intelligence of man. I do not mean to become the panegyrist of this constitution: I have one nearer home far more worthy of praise and admiration; but whatever its enemies may say or think, it

clearly appears to me to be founded on reason, and built on the true principles of a great political association. The Americans despise the name of Monarchy both in sentiment and in deed. But, however unpleasant to "ears polite," I do not hesitate to tell them, that their General Government is founded on the ruins and in the spirit of the British Monarchy, as it existed in America previous to the revolution, and as it still happily exists throughout the British colonial empire. It is endowed—no matter however feeble or scanty the endowment may be—with supreme authority over all the State Governments. It can proclaim a war, or conclude a peace independent of them, in the same way that England does of us, her colonies. It can legislate for them on every point of general trade and commerce, as England does for us. It can settle all internal disputes and differences between states, as England does in these provinces, and compel them into peace and obedience. It can open or close the ports of any state in the Union to friends or foes, according to the dictates of its imperial sway, as England may do to us. It may impose and levy taxes of any description in the heart of any state of the Union. But here, I admit, the parallel terminates, for all these states, besides having local governments and legislatures of their own, are represented in congress:—a privilege which unfortunately

we do not yet enjoy in *our Congress*, the IMPERIAL PARLIAMENT OF GREAT BRITAIN AND IRELAND.

Our natural and constitutional right to that privilege will form the subject of the succeeding Chapters of this humble work.

CHAPTER V.

The natural right of the Colonies to Representation in the Imperial Parliament.

Of all the productions of human wisdom and ingenuity, I believe the **BRITISH CONSTITUTION** has been the theme of the highest and most unqualified praise. Nations may have been said to have bowed with respect and admiration before it. Monarchies have been dissolved, thrones overturned, altars polluted, and the venerated institutions of a wise and prudent antiquity have been annihilated, in order to adopt the principles and secure the freedom of so excellent a scheme of government. Practice has thus been conjoined with opinion in ennobling throughout the universe this unparalleled political superstructure. Foreigners, in almost all countries, have exceeded the natives in extolling its wonderful combinations. "England," says one,* "is the only nation in the world whose political or civil liberty is the *direct end* of its constitution."

* Montesquieu.

"The government of England," says another,* "is formed between absolute monarchy, which is tyranny; democracy, which tends to anarchy; and aristocracy, which, fluctuating between one and the other, falls into the error of both. The mixt government of the English, combining the advantages of these three powers, which mutually observe, moderate, assist, and check each other, tends from its very principles to the national good. This constitution, of which there is no instance among the ancients, and which ought to serve as a model to posterity, will support itself a long time; because it is not the result of manners, and of transient opinions; but of reasoning and experience." "Liberty," says a third,† whilst writing on the English Constitution, "Liberty excluded from those places to which she had seemed to give a preference, driven to the extremity of the Western World, banished even out of the continent, has taken refuge in the Atlantic Ocean. It is there, that, freed from the danger of external disturbance, and assisted by a happy pre-arrangement of things, she has been able fully to display the form that suited her; and she has found six centuries to have been necessary to the completion of her work. Being sheltered, as it

† Raynal.

† De Lolme.

were, within a citadel, she there reigns over a nation which is the better entitled to her favours as it endeavours to extend her empire, and carries with it, to every part of its dominions, the blessings of industry and equality. Fenced in on every side, to use the expressions of Chamberlayne, with a wide and deep ditch, the sea, guarded with strong outworks, its ships of war, and defended by the courage of its seamen, it preserves that important secret, that sacred fire, which is so difficult to be kindled, and which, if it were once extinguished, would perhaps never be lighted again. When the world shall have again been laid waste by conquerors, it will still continue to show mankind, not only the principle that ought to unite them, but what is of no less importance, the form under which they ought to be united. And the philosopher, when he reflects on what is constantly the fate of civil societies amongst men, and observes with concern the numerous and powerful causes which seem, as it were, unavoidably to conduct them all to a state of incurable political slavery, takes comfort in seeing that liberty has at last disclosed her secret to mankind, and secured an asylum to herself." "Now, in my opinion," says a fourth,* "among all the sovereignties I know

* Phillippe de Comines.

in the world, that in which the publick good is best attended to, and the least violence exercised on the people, is that of England." "This at least is certain," says a fifth,* "that in all ages Britain has been the temple, as it were, of liberty. Whilst her sacred fires have been extinguished in so many countries, here they have religiously been kept alive. Here she hath her saints, her confessors, and a whole army of martyrs, and the gates of hell hath not hitherto prevailed against her; so that if a fatal reverse is to happen: if servility and servitude are to over-run the whole world, like injustice, and liberty is to retire from it like Astræa: our portion of the abandoned globe, will have, at least, the mournful honour, whenever it happens, of shewing her last, her parting steps." "The British Constitution," says a sixth,† "is the proudest political monument of the combined and progressive wisdom of man: throughout the whole civilized world, its preservation ought to be prayed for as a choice and peerless model, uniting all the beauties of proportion with all their solidity of strength." "England, Sir," said a seventh,‡ "is a nation, which still I hope respects, and formerly adored her freedom. In other countries, the people more simple, and of a less

* Bollingbroke.

† Lacon.

‡ Burke.

mercurial cast, judge of an ill principle in government only by an actual grievance ; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance ; and snuff the approach of tyranny in every tainted breeze." And, lastly, saith an eighth,* " The British Constitution may be said to have approached nearer to the perfection of social order, than any other government ancient or modern. To this point it has arrived in the progress of ages, not in consequence of theories formed by speculative men, such as our modern reformers, but in consequence of experiments made, and trials undergone. Experience, that great parent of all, but especially of political wisdom, taught a brave, generous, and high-spirited people, how to correct, by degrees, preceding evils, and to form the wisest plan for liberty and security. In this state we find the British Constitution. It stands among the nations of the earth, like an ancient oak in the wood, which, after having overcome many a blast, overtops the other trees of the forest, and commands respect and veneration. All foreigners look to it with wonder, and with envy, as the happiest system that ever was devised for uniting

* Blair.

dignity in the Magistrate, and liberty in the subject, with protection and security to all.”

This is lofty praise, and a most formidable body of unexceptionable evidence in favour of the excellency of our constitution. Taking it all in ail, it would perhaps be as difficult as it would be unpopular to controvert it. Worship at once so zealous and universal, has scarcely ever been the lot of any human institution; and, if the incense be profuse, it must be admitted that the god is not altogether unworthy of it. I would not therefore wish to be considered as an inconsiderate and headlong reformer in either religion or politicks. I confide in the faith of my fathers; and am determined to die in the allegiance of a British subject. But, as there may be errors in religion which a good Christian may be permitted to correct, so there may exist in our system of government, much as it may have been admired, and much as, I confess, it is entitled to admiration, shades, and blemishes, and inconsistencies which it may be the right as well as the duty of a good citizen to obviate and reconcile. I shall therefore not scruple on the present occasion to stretch my hand, however impotent, to the fane of our Constitution, and, by drawing aside the veil which hides its greatest and most disgusting deformities, expose them at once to the gaze and derision of the world. These are strong expressions, I admit. But a blot—one distort-

ed line, no matter how faint—which disfigures a masterpiece of art, is more injurious in its consequences, in the estimation of taste and genius, than a thousand specks in a production of inferior aim and execution. The finger that points out the blemish may be esteemed that of an enthusiast or a raving maniac ; but the attributes of justice are as severe as they are omnipotent; and the just rights of British subjects, wherever they may be situated—whether in the frozen regions of Labrador, or the burning sands of India ; whether in the Rocky or Himalaya Mountains, in Hudson or Botany Bay, are not to be sacrificed to prejudice or servility. Beholding, then, the **BRITISH CONSTITUTION** as thus exposed to view, I pronounce it to be both **PARTIAL** and **INCOMPLETE** ! It is partial because it confers rights, privileges, and franchises upon a *part* of the people which are not equally enjoyed by the *whole* : and it is incomplete, because the Colonies are subject to its jurisdiction without participating in its authority. Reform, therefore, the great talismanick genius of the age, becomes necessary ; and I shall of course, be marked as a reformer. *I am a reformer !* I avow it. Whatever may be lost or gained by it ; whatever disappointments I may endure, or whatever approbation my present labours may experience, I admit that their whole scope and object is reform—reform in the Imperial Parliament of Great

Britain and Ireland, such as will secure to that portion of British subjects in the colonies that free, direct, and uncontroled representation which is not only enjoyed by their fellow-subjects at home, but which is their birthright. This is the reform I advocate, and to this species of reform alone I confine myself. If a more general and direct representation in Parliament—the great and ultimate source of the laws—is found to be indispensibly necessary in the mother country; surely *some* representation ought to be extended to the colonies, the inhabitants of which have hitherto been unrepresented in parliament either directly or indirectly; for what has been termed *virtual* representation and which seems so much in favour with a certain class of politicians, is a mock representation without means or ends, head or feet, soul or body; and which the colonies spurn as worse than the shadow of a shade. They want direct and substantial representation, because it is the only representation worth having; and they want real unencumbered representation, because it is their birthright.

That it is so, becomes now my business to prove. I shall therefore, in the first place, endeavour to point out a few of the natural, inherent, and incontrovertable rights and privileges of a British subject. I shall, in the second place, inquire whether the people inhabiting our colonies are British subjects? And if they

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are, which cannot be doubted, shew, in the third place, the injustice to which they are exposed and the injuries they sustain, both in person and property, by a denial of any one of their birth-rights.

I. The rights of a British subject include his liberties ; and the first and most important of those rights and liberties which he can claim as a member of civil society or the body politick, is the power of being his own governor ; and of making, either in person or by representative, the laws by which his conduct is to be regulated and his property secured. These laws, indeed, may be changed, renewed, abrogated or amended, because a power to make laws without the right of annulling them, would be an anomaly equally absurd and ridiculous. But still, whatever modifications they may undergo ; whatever penalties they may inflict ; or whatever privileges they may confer, they must be stamped with the consent of the person whose lot it may be to be either punished, protected, or rewarded by them ; and even this consent must be free, voluntary and unconstrained. It is true that many laws are in force and binding, which may have never received the unanimous approbation of the whole people ; but it is one of the fundamental maxims of society, that a majority can bind the whole : for otherwise it would be impossible ever to attain that security

and stability in our institutions, which constitute the direct object of society.

These laws being once established, the next right of a British subject is that security of person and estate which they necessarily prescribe; and there can be no security of person without freedom of will; and no security of estate, or property, without the power of acquiring and disposing of it at pleasure: for it is not enough for us to have the use of an object. We desire to have it completely at our own disposal, without being responsible to any person whatever. As to personal liberty, the laws of England have imposed but few restraints upon those of nature. Those who are the offspring of the one, are but the subjects of the other; just like children, who, although they are amenable to parental authority, are nevertheless recognized as members of the state. It is manifest, therefore, that every British subject, like any other member of a well regulated government, is not only entitled to the full and free enjoyment of life, but to the integrity of his body. As the one could not exist without the other, and as they are alike the gift of God, the laws of our country are bound to protect them, and they do protect them. It is true that the one may be forfeited, and the other destroyed under the authority of those laws. But this can only take place when the laws have been infringed upon, and the rights of a fellow-subject invaded. Still, even when

an emergency of this awful description happens, though an individual may be sacrificed, the general interests of society are secured, and can only be secured in obedience to the dictates of the laws. A branch is cut off; but the trunk is preserved. Life too may be supported as well as defended. In this respect the laws of England are superior to those of any nation on earth. An innocent member of society cannot be starved to death. He has a claim on society for food and other necessities of life. If these be illegally denied to him, the law is broken; and should a life in consequence be lost, the individual, who may be the means of such a loss, is punished, in order that society may not again lose the services of an useful though unfortunate member. What can possibly be more humane, generous and just? The brutal tyranny of destroying life or limb at pleasure, is a power which never was, and never can be conferred or recognized by our laws. On this, as well as every other subject connected with the liberty and security of an Englishman, our great charter is clear and decisive: "No freeman shall be seized and imprisoned, or disseized, or out-lawed, or any way destroyed, nor will we try him, or pass sentence on him, except by the legal judgment of his peers, or by the law of the land."

But *security* of life and person, however strictly guarded, and however clearly defined,

would be of very little avail, if unaccompanied by that *liberty* of person which forms so great and distinguished a part of the rights of a British subject. To enter however into any lengthened detail of this liberty, however delightful a study it might form of itself, would lead me far beyond the bounds of my present inquiry ; but it is necessary nevertheless to point out a few of its most remarkable features.

However bountiful nature may have been in this respects, the laws of England may be said to be almost equally so. Man having been created a rational agent, freedom of thought and action, is, of course, the first and principal ingredient of his constitution. This great characteristick of human nature necessarily implies the power of devising means to accomplish ends, of distinguishing truth from falsehood, and right from wrong. As to *thought*, that is an arcanum of which the Deity alone can take cognizance. The free and uncontrouled exercise of this faculty of the mind, may be said to be the only prerogative which nature has reserved to herself alike inscrutable and independent of the laws of civil society. Men, states, governments, and laws have, in dark ages, and among barbarous nations, endeavoured to usurp even this solitary reservation on the part of nature by various means and instruments as brutal as they were cruel. But, thank God, it is alike the **boast** and the glory of the laws of England, that,

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in this as well as in most other instances, they have not only preserved entire, but also advocated the rights of nature as their best and wisest maxims. The people of England have heard of an Inquisition and a Bastile; but, having never felt the effects of them, they could only execrate those infernal institutions, and pity their victims. "The common law of England," says Hallam, "has always abhorred the accursed mysteries of a prison-house; and neither admits of torture to extort confession, nor of any penal infliction not warranted by a just sentence." In conformity with this law we are informed, that when, upon the assassination of Villiers, duke of Buckingham, by Felton, it was proposed in the privy council to put the assassin to the rack, in order to discover his accomplices; the judges, being consulted, declared unanimously, to their own honour and the honour of the English law, that no such proceedings was allowable by the laws of England.*

As to *Actions*, which comprehend all that a good citizen can *say* or *do* without violating the established laws of his country, either to promote his own individual happiness or the general interests of the state, they are as much the object of that universal liberty and security guaranteed by the laws of England, as life, per-

* Blackstone, Book iv. Chap. 25

son and estate. The freedom of action may in truth be said to include all that is of value and worth possessing this side of the grave. For how otherwise could the faculties with which nature has so liberally endowed us, be rendered useful either to society or to the ultimate end of our existence ? How could food and raiment, the first necessities of life itself, be obtained ; and the social and benevolent affections of husband and wife ; parent and child ; master and servant ; friend and neighbour ; sovereign and subject, be cherished and maintained, if any restraint were laid upon our actions, which necessarily imply the exercise of volition ? How otherwise could virtue and charity be exercised, religion preserved ; patriotism enkindled ; knowledge extended ; arts invented ; science studied ; countries explored ; commerce expanded ; nay, how could nations themselves be founded ? There was a time, and, unfortunately for mankind, there still are times and countries, in which freedom of action is restrained, as well as the aspirations of liberty subdued. This is undoubtedly the cause of that comparative state of poverty, meanness and gross ignorance into which some nations are sunk. Nothing can degrade the human mind so much as a restraint upon the exercise of any of its faculties : nothing sinks the soul so low as the yoke of slavery. But the laws of England have established a different order of things which is

undoubtedly the cause of the unparalleled freedom, intelligence and prosperity of that country. There a British subject may literally be said to do what he pleases, to say what he pleases, and go where he pleases. It is true that, if in the exercise of these invaluable rights, he should unfortunately invade the boundaries of the laws, he immediately becomes amenable to them, and, perhaps, obnoxious to punishment. But until he does so, he is safe. There can be no just controul upon his actions until he overleaps the *legal* limitations of justice, decency, or morality. And herein consists the superiority of the laws over those of any other country. When foreigners, from the continent of Europe, visit England, the first thing that strikes them with surprise, is that want of *preventive* power for which the laws are so remarkable ; never once imagining that this is the great characteristick of British liberty, and that which so pre-eminently distinguishes its institutions from those of other countries. They never once dream that laws, which prevent the *commission* of a crime, are at the same time laws which restrain the natural right of action ; and, of consequence, not only refuse to recognize and protect this first law of nature, but inflict a punishment *before* a crime has been perpetrated ! May we ever be protected from such laws ! It is the example of punishment alone that can or ought to *prevent* the commis-

sion of crimes, as it is punishment alone that can prevent the repetition of them. But I am deviating a little from the course of my inquiry.

Personal loco-motion is as much a part of the rights and liberties of a British subject as any other action which he is capable of performing; and ought to be as precious in his eyes, as that wonderful invention the loco-motive engine, is astonishing in those of other countries. He is at liberty to convey his person from one place to another, just as his inclinations may dictate or his necessities prescribe. Every hamlet, village, town, city, county, and province of the empire, he has a right to visit and reside in at pleasure, without being subjected to either inquiry or restraint while he abstains from encroachments upon the law. In short,

The world is all before him, where to choose
His place of rest, and Providence his guide.

And here again *Magna Charta** comes in aid of the rights of nature, and declares, that "it shall be lawful for any person in future, to go out of our kingdom, and to return safely and securely by land and by water, saving his allegiance, except in time of war, for a short space, for the common good of the kingdom, except prisoners, outlaws according to the law of the land, and the people of the nation at war

against us." By many subsequent statutes, passed in the reigns of the second and third Edwards, the same right is not only enforced but enlarged; for it is declared, that no man shall be taken or imprisoned by suggestion or petition to the King or his Council, unless it be by legal indictment, or the process of the common law. By the *petition of right*, it is enacted, that no freeman shall be imprisoned or detained without cause shewn, to which he may make answer according to law. "By the 16 Car. II. cap. 10, if any person be restrained of his liberty by order or decree of any illegal court, or by command of the King's Majesty in person, or by warrant of the Council board, or of any of the Privy Council, he shall upon demand of his Counsel, have a Writ of *Habeas Corpus*, to bring his body before the Court of King's Bench or Common Pleas, who shall determine whether the cause of his commitment be just, and thereupon do as to justice shall appertain. And by 31 Car. II. c. 2, commonly called the *Habeas Corpus Act*, the methods of obtaining this writ are so plainly pointed out and enforced, that, so long as this statute shall remain unimpeached, no subject of England can be long detained in prison, except in those cases in which the law requires and justifies such detainer. And lest this act should be evaded by demanding unreasonable bail, or sureties for the prisoners appearance,

it is declared by 1 William and Mary, st. 2, c. 2, that excessive bail ought not to be required.”*

Nor can a British subject be deprived of his right of remaining in his own native country, or any part of it he chooses to dwell in. So long as the laws do not impeach his conduct, no power on earth can legally drive him from the country of his birth and allegiance. The express condition upon which he enters into society, is, that he shall be protected in this as well as all other rights stipulated by the laws. If allegiance be his duty, protection is his right. If he cannot forfeit his allegiance, as we are told he cannot, even by abiding in a foreign country : so he cannot lose his claim to a residence in his own, or any of the privileges inherent to such a residence. We have already seen the provisions of *Magna Charta* upon this subject : they declare that no freeman shall be banished unless by judgment of his peers, or by the law of the land. Exile was unknown to the common law of England, and it is only in consequence of the powers conferred by an Act of Parliament, in the passing of which every subject is supposed to be present, that a criminal found guilty of a capital offence can be transported. So strict are the laws in this

* Blackstone, book i. c. 1.

respect, that a civilian cannot be sent out of the realm even on the publick service, against his will. It is clear that personal liberty and security could not possibly be carried further.

I come next to the right of *property*, which is the third natural birthright of a British subject. The right to acquire property necessarily implies the right to dispose of it. But there is an intermediate right, which the laws of England equally recognize and secure; and that is, the right of safe and peaceable enjoyment of every species of property acquired by legal means. If this were not the case, honest industry would have no legitimate end; all virtuous desire and emulation would be useless; and the natural law of *meum* and *tuum* would be confined to the woods and deserts, among wild and savage men. The right therefore of the free use, enjoyment, and disposal of property at pleasure, has ever been watchfully guarded by the laws of England. It has been the object of a variety of statutes to explain and enforce them. And here again the foundation of our rights are laid by *Magna Charta*, that wonderfully comprehensive code of conduct and government. By the thirty-fourth chapter it is declared, that "the Writ which is called *proceipe* for the future shall not be granted to any one concerning any *tencement* by which a freeman may loose his court."

By the thirty-ninth chapter it is also declared, that "no freeman shall be disseised, or divested of his *freehold*, or of his liberties, or free customs, but by the judgment of his peers, or by the laws of the land." In subsequent times, several laws were made to the same effect. They declare, that no man's *lands* or *goods* shall be seized into the King's hands, against the great charter, and the law of the land; and that no man shall be disinherited, nor put out of his *franchises* or *freehold*, unless he be duly brought to answer, and be forejudged by course of law: and if any thing be done to the contrary, it shall be redressed and holden for none.* Even the public good is no excuse for the sacrifice of private property against the will of the owner; and should such a sacrifice ever become necessary, the laws must guarantee the indemnification; not only in cases where the laws themselves prescribe the sacrifice, but also in cases where it has been occasioned by any riot or disorderly conduct in the Commonwealth.

But this is not all. Whatever the danger, the emergency, or the necessities of the state itself may be, no aids can be borrowed from, no taxes levied or imposed upon the property

* Blackstone, Book i. c. i. Sec. 3.

or persons of the people, without their own free consent in parliament. This is the great fundamental principle of our constitution, as well as its ruling and regulating genius. Without it we should be slaves: with it, we are the freest people in the world, *provided we all equally enjoy it*. In this the converse of the old French maxim.—“*Qui veut le Roy, si veut la Loy*,”*—will be found to hold good. This essential principle, says Hallam,† was settled in England, after much contention, by the Statute entitled Confirmatio Chartarum, in the 25th year of Edward I. More comprehensive and specifick in its expressions than the Great Charter of John, it abolishes all “aids, tasks, and prises, unless by the common assent of the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed;” the King explicitly renouncing the custom he had lately set on wool. “Thus,” adds the same excellent and manly writer, “the letter of the statute and the history of the times conspire to prove, that im-

* It will be perceived that I have retained the ancient orthography, to which perhaps, the reader may be inclined to think, I am in other instances rather partial. But o'd habits like mortgages, are difficult to be got rid of.

† Constitutional History, Vol. I, Chap. VI.

positions on merchandize at the ports, to which alone the word prises was applicable, could no more be levied by the royal prerogative after its enactment, than internal taxes upon landed or moveable property, known in that age by the appellations of aids and tallages." By another statute passed in the same reign, commonly called the statute *De Tallagio Non Concedendo*, the "common consent of the realm" above mentioned, was more fully explained. It was enacted that no talliage or aid shall be taken without the assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the land. This statute is worthy of being recited in the original language: "*Nullum tallagium vel auxilium, per nos, vel hæredes nostros, in regno nostro ponatur seu levetur, sine voluntate et assensu Archiepiscoporum, Episcoporum, Comitum, Baronum, Militum Burgensium, et aliorum liberorum hom' de regno nostro.*" By another act passed in the 14th Edw. III. the prelates, earls, barons, and commons, citizens, burgesses, and merchants shall not be charged to make any aid, if it be not of the common assent of the great men and commons in parliament. These laws, however, notwithstanding the clear principles on which they were from time to time established, and the sacred obligations which they imposed alike on prince and people, were not only often inva-

ded but silenced by the rapacious and tyrannical Tudors, and the bigotted and imbecile Stuarts. But England ever true to herself redeemed her rights and saved her honour. In the reign of the most unfortunate of the latter race, Charles I., it was made the first and principal article of the petition of right that no man shall be compelled to yield any gift, loan, or benevolence, tax, or such like charge, without common consent by act of Parliament. And, by the Bill of Rights, the corner stone of our constitution, it is declared by the fourth section, that "The levying of money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for a longer time, or in any other manner, than the same is or shall be granted, is illegal."

Such is a faint sketch of the birthrights of a British subject ; and it must be confessed that they comprehend all that man can desire as a member of society. Those who demand *more*, ought to abandon society altogether : those who would accept *less*, are not fit to be members of any civil fraternity. It is true that they were originally peculiar to England ; but we have seen that the unions with Scotland and Ireland, have made them as much the rights and liberties of those countries as of England herself. I trust it is not the fate of the *colonies* to be perpetually excluded from them.

II. In accordance with the plan of this chapter, I come now to inquire, whether the inhabitants of the British colonies are to be esteemed as **BRITISH SUBJECTS** in every sense of the appellation? As I am not aware that this has ever been denied, it might justly be reckoned a work of supererogation to prove the affirmative of a proposition universally admitted to be true. Nor do I intend to enter upon such a proof. My object is merely to state a fact in the most plain and simple terms that it will admit of ; and from that fact draw such a conclusion as will convey some reasonable idea of the rights of the colonists. I do not quarrel with any one for a new and imaginary right. This is not the place, nor is the way to do so. The claim which I set up for the colonies is of the nature and indeed the substance of an inherent right of the exercise of which they were once in possession, but of which they have been long deprived, contrary at once to the spirit of the laws and the genius of our constitution.

No one need be told of the value, the extent or the great importance of the British colonies. If any person should be otherwise disposed, he will find his inquiries amply gratified in the appendix to these pages. I have myself on a former occasion,* and I believe not altogether in

* See Canadian Review, No 5.

vain, devoted my poor abilities to a further elucidation of the same generally admitted facts. I may, however, be permitted to add in this place, that for extent of territory, number of population, and amount of wealth, the British colonial empire is unparalleled in the annals of the world. The four quarters of the globe may be said to join in contributing to the power and greatness of the mother country, as well as to the prosperity of the colonies themselves. In the old world these dependencies may be traced in different situations and various climates, from Cape Clear to Pegu ; and in the new world they extend, with but few intervening spots, from Cape Horn to Cape Farewell. The rays of the sitting sun no sooner cease to sparkle amidst the spray of Niagara, than they again rise refulgent and glitter on the smooth rolling tide of the Ganges. These vast possessions are said to contain a population of a hundred and thirty millions of souls. Amazing art--astonishing power that could for any length of time mould and govern so heterogeneous a mass as one people and nation ! How necessary to the further consolidation of such a power that the bonds of obedience and protection should be rendered stronger by an extension of those rights and privileges which are enjoyed by one class of the people, but so unreasonably denied to another. It only requires justice and liberality on the one part to

establish the confidence and affection of the other.

If it be admitted that a British colonist is a British subject to all intents and purposes, little pains I presume need be taken to shew how this mutual right has been established. It only becomes necessary to observe that the claim of Great Britain to her colonial dominions were originally acquired in virtue of the rights of settlement and conquest ; which rights the laws of nature have dictated and the laws of nations have confirmed. The title of Europe to America in the first instance, notwithstanding the donative Bull of the Pope, may in the abstract be fairly questioned as one of the worst that has ever been attempted to be set up among mankind. It was devoid at once of justice and humanity. It had neither the happiness of our race for its end, nor peace as the means of its establishment. But be the means and the end what they may, the right has not only been ultimately acquired, but secured. The course of Providence may have been frequently obscured by contending interests and prejudices, but it could not be obviated. Discovery could not be retarded nor pre-occupancy resisted. The increasing light of science promoted the one, and improvements in arms guaranteed the other. In this way Europe assumed dominion over America; and even new laws were invented, as well as old ones remodeled and raised from the dust

of ages to give some colour of right to the newly acquired possessions. These laws have been long in force and are still acted upon as a rule of conduct to men and nations. They resemble the Roman maxim of conquest which I have already quoted ;* and declare, that the people of Europe, already too much circumscribed at home, upon discovering lands in America of which the savages had no personal want, and which they could not appropriate by making any actual and continued use of them, could legally occupy such lands and settle colonies upon them ; that the earth belongs to mankind for their subsistence : that all mankind have an equal right to the enjoyment of those things which have not yet become the property of any one, which thus appertain to the first occupier, that when a nation discovers a country uninhabited and without a master, it may legally take possession of it ; and that after it shall have sufficiently marked and proclaimed its intentions in this respect, another cannot deprive it of its newly acquired possessions : that thus navigators on voyages of discovery, furnished with a commission from their sovereign, on meeting with islands and other uninhabited lands, have taken possession of them in the name of their country ; and that this title has been uniformly respected, provided real possession have

* "Wherever the Roman conquers, he inhabits."

shortly followed : that when a nation takes possession of a country not yet belonging to any one, it is reputed to occupy the empire or sovereignty of it, as well as the landed property of it ; because being free and independent, its intention in establishing itself in a new country cannot be construed as a permission to others to enjoy the right of commanding there, nor any right constituting sovereignty ; that the whole space through which a nation extends its empire forms the extent of its jurisdiction, and is called its territories : that when a nation takes possession of a distant country, and establishes a colony there, this country and colony, although separated from the metropolitan state, make naturally a part of the state, as well as its ancient possessions ; and that at all times, when neither municipal laws, nor treaties with other nations have created no difference or distinction, whatever has been said of the territories of a nation, ought also to extend to its colonies.*

These are the canons upon which the rights of Europe to newly discovered countries in America and the adjacent islands, are founded : these are the laws in virtue of which the old world acquired dominion over the new—in virtue of which colonies have been settled, established and matured. This is the celebrated code,

* Vattel (Lyon Edit.) Liv. I. Chap. xviii.

and in virtue of which the sovereignties of Europe have been extended to America; the laws of Europe made those of this continent; and the people rendered subjects of, and continued in subjection to, either England, France or Spain, according to their origin. I inquire not into its justice. I am far from denying its authority. My only object, if possible, is to mitigate its spirit without subverting its power.

The first assumption and exercise of this right by England, is contained in the grant which Henry VII. made to John Cabot and his sons, the undoubted first discoverers of the *continent* of America. This grant* is dated the 5th of March 1496; and it empowers the Cabots to set up the King's standard in any lands, islands, towns, villages, camps, &c. which they shall discover *not* in the occupancy of any Christian power; and that they and their heirs may seize, conquer, and occupy any such lands, islands, towns, camps, or villages; *and as the King's liege vassals, governors and locumtenens, or deputies, may hold dominion over and have exclusive property in the same.* It was not, however, until many years after the date of this grant, that actual possession had been taken by the Crown of

* It will be found at large in Haliburton's recent Historical and Statistical Account of Nova Scotia; a work which does honour alike to the author and the province.

England of any part of the territories of America. But when this at last took place, it was clearly and distinctly understood and declared, that the land became the demesne of the King, and that the people settling and living upon it, were and should continue to be his liege subjects. Indeed, it could not be otherwise: for with what propriety or justice could any sovereign pretend to claim the right of conferring property upon any portion of his people, without at the same time, securing their allegiance, and protecting their liberties? Thus, in a word, the lands discovered and cultivated in America by English emigrants, not only became the property of the King, but the people, of necessity, remained his subjects. Deriving their rights from the King, they must necessarily abide by their allegiance. And the fact is, that at first these mutual rights were long enjoyed without the intervention of parliament. "The constitution of the government of England," says Pownal*, "as it stood at that time, founded upon, or built up with the feudal system, could not extend beyond the realm. There was nothing in the nature of the constitution providing for such things as colonies or provinces. Lands without or beyond the limits of the realm, could not be the property of the realm, unless by being united to the realm. But the people who settled upon these

lands in *partibus exteris*, being the King's liege subjects, the king, as sovereign lord, assumed the right of property and of government." And again, "The plantations were settled on these lands by his licence and grant ; the constitutions and powers of government were framed by the king's charters and commissioners; and the colonists understanding themselves as removed out of the realm, considered themselves in their executive and legislative capacity of government, in immediate connection and subordination to the King, *their only sovereign lord.*" In this way, as I have just observed, the lands in the newly discovered countries become the property of the King, and the people inhabiting them being originally his subjects, *continued* still to be so. The lands were indeed *acquired*, and, of consequence, either assumed a new mastership, or became the lawful possessions of a stranger in right of prior discovery and pre-occupancy ; but the people as they could not forfeit their allegiance, could not be enlisted into a new capacity under their original sovereign ; and therefore, it was impossible that they could *acquire* a new sovereign. The King claimed obedience and the people protection. Nor was the one refused or the other denied. When the House of Commons, in those reiterated attempts which they made by passing a bill to get a law enacted for establishing a free right of fishery on the coasts of the continent and islands of America, put in the

claim of the *state* to this property, and the jurisdiction of parliament over it; they were told by the officers of the crown,* "that it was not fit to make laws here for those countries which are not yet annexed to the *crown*: that this bill was not proper for this house, as it concerneth America." It was doubted by some, "whether the House had jurisdiction to meddle with these matters." In 1624, when the House was about to proceed upon a petition from Virginia to take cognizance of the affairs of the plantations, "upon the Speaker's producing and reading to the House a letter from the King concerning the Virginia petition, the petition, by general resolution, was withdrawn." From this time little or no cognizance was taken by Parliament of the plantations till the commencement of the Civil Wars.†

At this period Parliament for the first time interfered with effect in the affairs of the Colonies, and succeeded in annexing them to the *realm* of England. In 1643, when both Houses may have said to have assumed to themselves the supreme authority of the empire, to the exclusion of their unhappy Sovereign, an ordinance was passed,‡ "Whereby

* Twenty-fifth April, 1621.

† Pownal, pp. 48, and 49.

‡ Scobel's Acts, quoted by Pownal, p. 121.

Robert Earl of Warwick is made Governor-in-Chief, and Lord High Admiral of those islands and other plantations, inhabited, planted or belonging to any, His Majesty's the King of England's subjects, within the bounds and upon the coasts of America." A committee was also appointed for "regulating the plantations." By these measures the colonies changed masters. Whatever powers the King might have formerly exercised over them without a right of intervention on the part of Parliament, the two houses of parliament now assumed, without acknowledging the rights of the King. These houses became, at once, the sovereigns and the legislators of the colonies. They made laws and ordinances for them; and, in 1646, *imposed a tax by excise upon them*. It would appear, however, that in 1650, the Parliament divested itself of somewhat of its regal authority over the Colonies, and placed it in the Council of State. This council was empowered "to grant commission or commissions to such person or persons as they shall think fit, with power to enforce all such to obedience, as do or shall stand in opposition to the Parliament, or their authority; and to grant pardons, and to settle governors in all, or any of the said islands, plantations and places, and to do all just things, and to use all lawful means to settle and preserve them in peace and safety, until the Parliament shall

take further, or other order therein, any letters patent or other authority formerly granted or given, to the contrary notwithstanding." It is observable that it was during the administration of this extensive sovereignty the foundation of the celebrated navigation act was laid, as well as many other important measures with respect to the colonies, of which it will be my duty to take more particular notice in the next chapter. In the mean time we find that several acts were passed declaratory of the sovereignty of England over the rights, persons, and properties of the colonists. The colonies were declared to be part and parcel of the realm, and the inhabitants English subjects.

In this way the affairs of the colonies continued to be administered until the restoration of Charles II. A salutary change was then made in the constitution of the colonies, as well as in that of the mother country. The King, in conjunction with parliament, re-assumed his authority over them; and the parliament, in its legal and constitutional capacity, participated in the administration of their government. The machine of colonial protection and obedience went on smoothly and regularly; and, during a long period of time, no jarrings were discerned and no injuries sustained. Parliament *proper* then declared, that these "His Majesty's foreign dominions," and "all these His Majesty's subjects" belonged to the

realm, and were subordinate to the supreme legislative authority of the state, as we shall afterwards find more at large. Here, then, we have the clearest and most incontrovertible evidence, that the colonial territories are part and parcel of the realm of Great Britain, and that those British subjects who may have originally settled upon them, are, and have never ceased to be British subjects.

With respect to the territories and people acquired in the colonies by conquest, I presume it will not be necessary to be more diffuse in shewing that they are equally the lands and the subjects of the empire. The laws of war and conquest are well known; but they are also voluminous. I shall therefore on the present occasion not go into any detail of them in proof of my proposition. I shall confine myself within very narrow but well-defined limits. I shall restrict my inquiries to the laws and constitution of this realm. If we do not find a sufficient rule of conduct there, it would be as idle as unnecessary to explore other regions. I find, then, when the King's armies conquer a country, the constitution leaves it to the King's authority to grant or refuse a capitulation to the inhabitants. If he refuses, and banishes or exterminates the inhabitants—a cruelty hitherto unheard of in Christian countries,—all the lands belong to him. But if he receives the inhabitants under his protection, and

grants them their property anew, or leaves them in the free enjoyment of it, they immediately become his subjects, and are entitled to the same rights and privileges that his ancient subjects possess. It is true that in most, if not all the conquests made by Great Britain, the conquered inhabitants have been permitted to retire and dispose of their property and estates. But those who remained could only do so on condition of becoming BRITISH SUBJECTS ; and, as such, subject to British laws and British authority, as well as participators in British rights. If the conditions were obvious, the choice of remaining was voluntary. The king is also intrusted with making the treaty of peace ; and he may even then yield up the conquest, or retain it upon what terms he pleases. The treaties of this kind made by England with respect to colonial possessions are very numerous ; and nearly as numerous as the colonies themselves. But, by every one of them, the conquered inhabitants have been transferred by their respective mother countries, *pleno jure*; into the arms of the conqueror ; and it is to the honour of England, as much as it was her interest that the capitulations and treaties of peace with other powers, have been alike religiously observed.

In a celebrated case* decided long after

* Campbell v. Hall. Cowper's Reports, K, B. 1774.

Great Britain became possessed of almost the whole of her present colonial dominions, the mutual rights of conquests are laid down with great constitutional learning and perspicuity. It is there declared, that a country conquered by the British arms, becomes a dominion of the King in right of the crown; and therefore necessarily subject to the legislature, the parliament of Great Britain: that the conquered inhabitants once received under the King's protection, become subjects, and are to be universally considered in that light, not as enemies or aliens: that the articles of capitulation upon which the country is surrendered, and the articles of peace by which it is ceded, are sacred and inviolable according to their true intent and meaning; that the law and legislative government of every dominion, equally affects all persons and all property within the limits thereof, and is the rule of decision for all questions which arise there. Whoever purchases, lives, or sues there, puts himself under the law of the place. An Englishman in Ireland, Minorca, the Isle of Man, or the Plantations, has no privileges distinct from the natives: that the laws of a conquered country continue in force, until they are altered by the conqueror: and that the King has a power to alter the old and to introduce new laws in a conquered country, this legislation being subordinate, that is, subordinate to his own authority in parliament, he cannot make any new change contrary to fun-

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damental principles: he cannot exempt an inhabitant from that particular dominion; as for instance from the laws of trade, or from the power of parliament, or give him privileges exclusive of his other subjects; and so in many other instances which might be put.

Thus we see as clear as natural and municipal laws can make it, that the inhabitants of the British colonies, whether emigrating originally from the bosom of the mother country, or conquered therein by her arms, are, without distinction, without a stain, without a blemish, without one taunt or discrimination **BRITISH SUBJECTS** to all intents and purposes. If they are not, I should be glad to know what they are. Aliens? By no means. An alien every person knows to be one who is born *out* of the King's allegiance or dominions; in a word, a *foreigner*, whom the Greeks and Romans distinguished from natives by the still more ignoble term of *barbarian*. He may be said to have no rights—he certainly enjoys no privileges—within the dominions of the imperial crown of Great Britain. He may indeed traffick and trade, sue and be sued; but he cannot acquire any permanent property in lands, nor be compelled to enter into any mutual obligations with the state. Such is an alien in the true sense of the term; yet an alien *may* become a British subject, on certain conditions. An act of parliament and seven years residence within the realm can entitle

him to all the rights and privileges of a natural-born subject ; and in the colonies residence alone and certain services will have the same effect. But on the other hand, a natural-born subject is one who is born *within* the dominions of the imperial crown of Great Britain ; that is, within the allegiance of the King. The distinction is great indeed. While the alien cannot acquire any of the rights and privileges of a British subject, the natural-born subject can never divest himself nor be divested of those rights and privileges. They are his *birthrights* in whatever part of the king's dominions he may be born—whether in Middlesex or New Holland, on the banks of the Thames or those of the St. Lawrence. As he is entitled not only to those rights and privileges but to the protection of the government and laws from the moment of his birth, so from the same moment, the faith of allegiance becomes binding upon him, and whether or no it be afterwards confirmed by an oath, commonly called the oath of allegiance, it can never, to use the words of Blackstone, be forfeited, cancelled, or altered by any change of time, place or circumstances, nor by any thing but the united concurrence of the legislature. An Englishman who removes to France, or to China, owes the same allegiance to the king of England there as at home, and twenty years hence as well as now. "Allegiance," says

Lord Bacon, "is of a greater extent and dimension than laws of kingdoms, and cannot subsist by the laws merely, because it began before laws ; it continueth after laws, and it is in vigour when laws are suspended and have not had their force." Lord Coke is equally explicit. "Whatsoever is due by the law or constitution of man may be altered ; but natural legiance or obedience of the subject to the sovereign cannot be altered ; ergo, natural legiance or obedience to the sovereign is not due by the law or constitution of man." I will be excused for going into these particulars on so common place a subject ; but the utility of doing so may afterwards be discovered. In the mean time it may be satisfactory further to add, that the natives of Jersey, Guernsey, Calais, Normandy, and Guienne, while these countries appertained to the kings of England, *though not in right of its crown*, were never reputed aliens.* Surely then the natives of the colonies, united as they now are to the imperial crown of Great Britain, and being to all intents and purposes, part and parcel of the realm, cannot possibly be otherwise esteemed, and treated, and governed, than as natural-born British subjects. But they are so ; and so I

* Hallam's Constitutional History, Vol. I. chap. vi.

hope will ever remain. Let us now consider a few of their rights to representation in the imperial parliament as such.

III. We have seen* that the first and most important right that a British subject can claim as a member of civil society or the body polittick, is the power of being his own governor, by making either in person or by delegation the laws by which his conduct is to be regulated and his property secured. In his right all participate, otherwise it could be no right, without distinguishing and preferring the claim of one individual to that of another, and absolutely placing power in the hands of one man to the prejudice and injury of another. It is a fundamental principle of the constitution. It is the democratical principle of the constitution too ; and without it neither monarchy nor aristocracy could exist, at all events so as to preserve for a single day our system of government. It originated in the woods of Germany, and has been handed down to us by our forefathers, somewhat modified and impaired indeed, but as the Promethean spark, that can alone preserve and invigorate our constitution. In our state, as in all free states, man is necessarily considered as a free agent, and, as such, entitled to govern himself, rule his actions, and secure his pro-

* P. 129.

perty. But every man cannot be a king or a lord ; every man cannot and must not assume the crown of the monarch nor the coronet of a nobleman. These are conventional stations and dignities rendered immemorially sacred in the eye of our laws, and which ought not, and, I trust, never will be either compromised or destroyed. But every man of sound reason and common prudence ought, and it is his just unalienable right, to join with those magnates of the constitution in the administration of publick affairs. If this right be denied to any free-born Briton, he is no longer a British-subject—no longer a natural-born subject, entitled to mutual rights and protection, but an alien—nay, worse than an alien, a slave ! It is the right of the people, of the *whole* people in every country where popular legislation exists. I will go farther : it is the right of the people in every country. It was the undoubted right of people in all the ancient Democracies ; and what is our constitution but a modern Democracy ; beautifully modelled, considerably modified, and wisely checked and balanced to be sure ; but still a democracy, a government of the people, in every sense of the term. The people is its base, and representation the superstructure ; for I hold that the king and lords are as much our representatives as our knights and burgesses in parliament assembled. The one right involves the other. If we can

not meet in person to make laws for ourselves, it is clear we cannot delegate others with a power which we do not enjoy ourselves. But the right of representation being once admitted, it is equally clear that we *all* have one equal right to participate in it, otherwise both these rights are void and null, original legislation as well as delegated representation. But fortunately in our case neither is so. We enjoy a claim to the one as well as to the other; and the great desideratum at present is, why we do not *all* equally enjoy this essential right? "As in a country of liberty," say both Blackstone and Montesquieu exactly in the same words, "every man is supposed a free agent, ought to be his own governor: the legislative power ought to reside in *the whole body of the people*. But since this is impossible, it is fit the people should transact by their representatives, what they cannot transact themselves." This is just the ground we stand upon at this moment. Let us not leave it. Let us never depart from it until we have attained the full fruition of our wishes, and the equal enjoyment of our rights. Here then I fortify myself.

We have seen that the idea of representation was unknown among the ancients. With whatever qualifications, we are indebted for this great discovery in the science of government and legislation to the primitive church; its provincial councils, synods and general as-

semblies having been constituted by representative deputies. The whole citizen inhabitants of the Grecian and Roman republics were not only permitted, but by the laws enjoined to be present and to assist in all the publick deliberations of the state. It was also their right. They consulted and voted in person. It may appear rather a startling proposition, but it is not the less true, that anciently this was the right of every free Briton. It was the right, as Tacitus informs us, of the Saxons in Germany; and they did not deviate from it in Britain. The powers as well as the constituent parts of the Wittenagemot, or the parliament of the Anglo-Saxons, are well known. The consent of *all* the members of the community was required in every important deliberation. This is matter of well authenticated history. The barbarians who overran and extinguished the Roman empire, of which Great Britain formed a province, knew no superior except in war. In peace their privileges, whatever their extent may have been, were equally enjoyed by all. The conquered lands were partitioned in equal shares amongst them; and their suffrages in council were as numerous as the population that composed a nation. The followers of Hengist did not change this system of things in England, and we find that, both before and after the union of the Heptarchy, the whole people were summoned to, and had

a right to be present at the general assemblies of the people. The great Alfred confirmed this right; and his successors were in general too prudent to disturb it, even when they had the power. I shall not enter upon the antiquarian disputes that have arisen upon this subject. It is sufficient for my present purpose to be satisfied, that the original constitution of our government in this respect, is amply proved by its whole history down to the present times. I am, however, tempted to state as a part of that history, that, upon king Sigebert's growing incorrigible, to use the words of Henry of Huntingdon, the great men and *people* assembled together, and deposed him: that in the reign of Edward the elder, the great men and *people* met in general assembly: that Ethelwulph's charter of tythes is said to have been granted by the king, barons and *people*: that by a charter of Ethelred in favour of Wolverhampton, the contents are said to have been the *decree* of the Archbishop of Canterbury, the Archbishop of York, the bishops, abbots, senators, the chiefs, and *people of the whole country*: and that a charter by Edward the Confessor to the abbey of Westminster, is said to have been done in the sight and hearing of *all the people*.* Nor after the Norman conquest did any change take place either in this style

* Rapin. Vol. I. p. 156.

of the laws or in the mode of summoning general councils of the nation. In proof of this, I shall only mention, that in the fourth year of the reign of William I. a parliament met, to which the lords, prelates, "*and whole people,*" were alike summoned.* So thus we see clearly, that to be personally present in parliament, and to vote and deliberate therein on the general affairs of the nation, is a fundamental principle of our constitution, and the birthright of every British subject. A contrary supposition appears to me no less than a gross insult to common sense. For it being once admitted that every freeman is by right his own governor and law-maker; and that he cannot be deprived of an iota of his property without his own consent, what can be more plain and reasonable that every subject in the realm has a right to be present at the general councils of the nation? Can it be supposed for a moment that, if our constitution had still remained in this its original state, every British subject, whether residing at home or abroad—in the colonies or in the provinces, would not be entitled to be personally present in these general councils, in the same manner that his ancestors were, and as the Greeks and Romans claimed the exercise of their legislative rights?

* *Argumentum Anti-Normanicum.* P. cii.

We have seen that a British subject cannot be deprived or shorn of any of his rights, except by act of parliament. When was this act passed? Who passed it? What sovereign or people consented to it? Were the British subjects in the colonies present and consulted? If they were not, it is not binding upon them. If they were, they are no longer freemen, entitled to all the rights, liberties, and franchises of British subjects. They are no longer natural-born subjects bound by the reciprocal rights and duties of protection and allegiance. But happily no such law has been passed, and we are still not only entitled, but in a condition to claim the privileges of our forefathers. These have only been denied to us for a season: they have not been wholly cancelled. The door of mercy and regeneration is still left open to us. Let us not shut it upon ourselves, nor permit others to do so in our face.

But it may be said that I carry my argument too far,—that in maintaining the right of *every* British subject to be his own law-maker, I am but advocating the principles, and wish to establish the government of a pure democracy. Whoever tells me so seriously and candidly shall have his answer. I am a democrat neither in principle nor in conduct; and democracy, sheer unmixed democracy, I hate with a perfect hatred. It is the very worst of all systems of government, ancient or modern,

east or west. It is at best but an elementary war. Passion is the sea on which it floats, fury is its gale, frenzy its pilot, and tyranny its port. It never did and never can subsist long in its naked deformity where right and reason exist, and where the genuine dictates of liberty have obtained a footing among men. Yet it must at the same time be admitted that Democracy is the foundation of all government ; and that no good government can exist unless it form a constituent part of such government. If I am a democrat at all, it is in the latter sense ; and in no other sense can a British subject claim or exercise the right of being his own governor. It was the evil tendency, the anarchical disposition of democracy itself that formed the first step in mixed governments of checks and balances. All men, both by the laws of nature and society, may be equal in their rights ; but there are scarcely two men in existence who are equal in capacity and talents, dignity of manners and extent of property. Thus a new order of men soon arose in states ; and it was discovered that to them alone belonged the power, not of ruling and governing, but of checking and controuling the multitude. It is merely as a member of a democracy thus constituted, thus regulated and balanced, that a British subject ever could or ever can claim the right of making his own laws. The British constitution has at all times

and in all ages ever recognized a king, a nobility and a clergy, as well as a people. You will therefore perceive that I do not object to the due exercise of the constitutional privileges of any sect or order of men to the exclusion of another. Quite the contrary. I only claim an extension of the *just share* of the people in the legislature, according to the fundamental principles of the constitution. It was never urged; it has never been doubted that the King, the nobility, and the clergy are, and ever have been in the enjoyment of *their* full share of legislative power. But I maintain that, ever since the introduction of representation into our system of government, the people, but especially the people in the colonies, have been denied *their* equal just share in the legislation of the empire. Now, of this, and this only, do I complain. I complain that the people at large, as the democratical branch of the constitution, are not fairly, and equally, and wholly represented. I have proved, I think, that the people of the colonies are British subjects. That done, it must necessarily be admitted, that any representation, however extensive, however general, however universal, which did not embrace them, would be no representation at all; and, of consequence, that they would be excluded from the exercise of those rights inherent in the democratical body and member of the state. Refuse them

that, and you refuse them the original rights of the body-politick. Grant them that, on the other hand, and you grant them all they can claim—I am sure, all they desire.

I may also be told that the *right* of representation in parliament has never been formally denied to the colonies; and that it is their peculiar situation and circumstances, and especially their distance from the mother country which exclude them from this privilege. As to the situation, the circumstances and the distance, I hope never again to be plagued on the subject after a candid perusal of my third chapter. And as to the denial of our rights, I pray the reader to refer once more to the Appendix. He will there find those rights not only urgently claimed, but positively denied. But what says he to the whole history of the colonies—the whole exclusive system that has been pursued with regard to them? Can he point out any act of parliament, any charter, any deed, gift or concession by which they have been admitted into a full and free participation of the rights and privileges of British subjects? In the whole range of colonial legislation—and it is an extensive as well as a woeful one—where can he find one effective, one legislative admission of the right of the colonies to representation in the Imperial Parliament? And yet what says Paley? no mean authority. He says—mark his words, scan

them, turn them, examine them, and dissect them any way you please—but he says, “*EVERY DISTRICT OF THE EMPIRE enjoys the privilege of choosing representatives, informed of the interests, and circumstances, and desires of their constituents, and entitled by their situation to communicate that information to the NATIONAL COUNCIL. The meanest subject has some one whom he can call upon to bring forward his complaints and requests to public attention.*” Let me ask, then, if the colonies be any part, any DISTRICT of the Empire? After what we have seen and said, any man who will say that they are not, is not fit to be reasoned with on any subject. If they are not, when were they emancipated? Where is the declaration of their independence? In which volume of their history is it written? When was their universal independence acknowledged by the mother country? I do not pause for an answer; for neither the one nor the other exists or has ever happened. If then, on the contrary, they are still part and parcel of the empire; if they still form very many and very valuable DISTRICTS of the empire, I leave the world to judge of the kind of justice by which they are denied “*the privilege of choosing representatives*” in the manner pointed out by Dr. Paley.

It is certainly a dangerous thing to sport with the rights and privileges of a whole people.

It is inhuman to tamper with their feelings ; it is fearful to sport with their passions. All this is extremely unjust in itself and must necessarily entail much misery and ruin on their posterity. " There can be nothing so destructive," says Hallam, " to the English constitution, not even the introduction of a military force, as the exclusion of the electoral body from their franchises. The people of this country are, by our laws and constitution, bound only to obey a parliament duly chosen."* And who, pray, are " the people of this country ;" and what is " the electoral body ?" Are British subjects all over the world, in the colonies as well as elsewhere, not a part, and a major part too, of the people who compose the country ; and does not, at least ought not, the electoral body to be co-extensive with the country ? If not, it seems to me to be no less than absolute nonsense to talk of country, people, electoral franchise, and so forth ; for what constitutes a country but a people ; and how can any one country, composed of one people, possibly exist happy, contented and free without an equality of rights, privileges, and franchises ? The thing involves one absurdity upon another faster and more distorted than the imagination can trace them ! We see then that the right of being

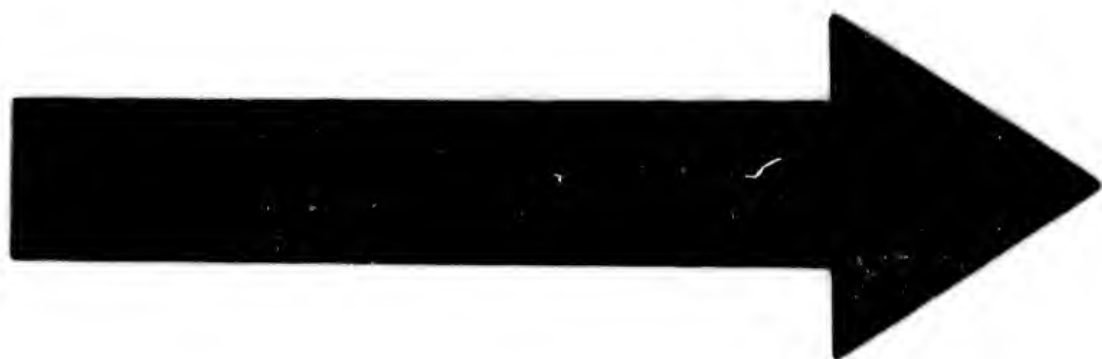
* Constitutional History, Vol. II p. 614.

represented in parliament is, like the liberty and security of every British subject, a *general principle*. If it is the right of one man, it is the right of the million. If it is the right of the inhabitants of Westminster and Wales—of Edinburgh and Dublin, it is equally that of the inhabitants of Canada and Hindostan—of Quebec and Calcutta. A general right, a right equally the birth-right of all, cannot be meted out like a mess of pottage ; so much to the oldest, so much to the youngest, and so much to the freeman, so much to the bondman. There cannot, at all events there ought not to be any Benjamins in the British empire. We are all the offspring of the same national family ; all heirs at law ; all equally entitled to the same privileges. And what is *partial* freedom but invidious slavery ? If there is no equality among us, we are no longer fellows-citizens—no longer fellow-subjects of the king. And if there be any distinction made in our inherent privileges, what is that but trampling upon the first maxim of justice ? *Suum cuique tribuito*. We are, as to our rights, endowed by nature alike, and cast in the same mould. Let ministers and governments beware of polluting the fountain of all laws. Let not the communion of our common country be dissolved.

But I am told the colonies have local legislatures of their own in which the inhabitants are fairly and fully represented ; and that

these legislatures serve every purpose and secure every right which a British subject can reasonably desire or lawfully enjoy. On the subject of these provincial legislatures, I shall have a few words to say in the next chapter. But, in the meantime, is it really true that *all* the colonies have local legislatures of their own? Alas! not one half of them: alas! not a fiftieth part of the population which composes them, is endowed with either representative legislatures, or any legislation at all, except that of the sword, the scourge, and the bow-string! This, to be sure, is a precious system of legislation for Christians, and still more so for British subjects! Has any body ever heard of the provincial parliament of Bombay; of the representatives of Bengal: of the free and independent electors of Madras; of the knights and citizens of Singapore? Will any person be so good as to inform me, when the House of Assembly of Ceylon last met; and whether the annual tribute of the king of Candy, and the produce of the mines of that rich Island, have been duly and constitutionally appropriated? "Pray let me know in your next," if the parliament of the Cape of Good Hope has passed the Caffraria and Hottentot reform bills? "Do not forget to mention," whether the Assembly and the Legislative council of the Mauritius have agreed on the bill making provision for a more suitable and classical monument to Paul and

Virginia ? " And be sure to be very particular" in your accounts of the progress which the legislature of Sierra Leone has made in the bills of mortality. I fear the Australian convict bill will never pass through the upper house. " The knights of Malta" have met to be sure ; but the " " have been dissolved. As to the Cortes of Gibraltar, they have long since, I presume, passed the rock fortification Bill. " The publick will be happy to learn," that the Assembly of Newfoundland have at last agreed on the cod-sound, and bank-fog bills. Have the Colonial Assemblies of Trinidad and St. Lucia ; of Demerara, Essequibo, and Berbice ever passed a bill for admitting men of colour into these assemblies, as representatives of the people ? Are these the colonial legislatures you talk of ? Are these the Assemblies in which British rights and British freedom are daily discussed and secured ? Are these the colonial parliaments by which British laws are established and maintained ; our commerce extended, and our navy augmented ? I pray you do not mock us with such legislation. I pray you do not thus sport with the rights of upwards of eighty millions of British subjects, who have neither representation nor legislation at all at home or abroad ; either local or metropolitan. When were the directors of the East India Company constituted the representatives in any legislature for all Hindostan ; and is the board



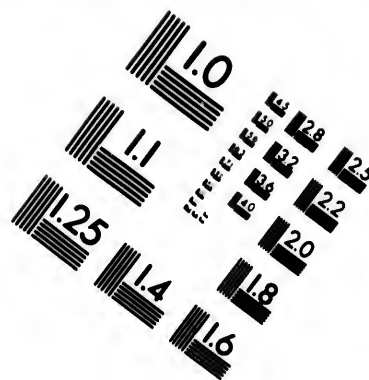
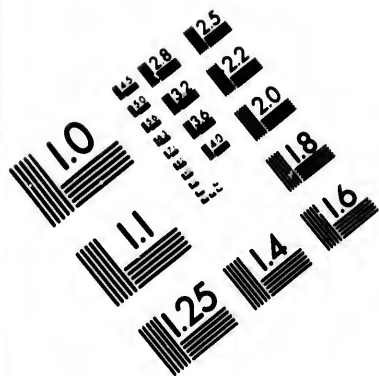
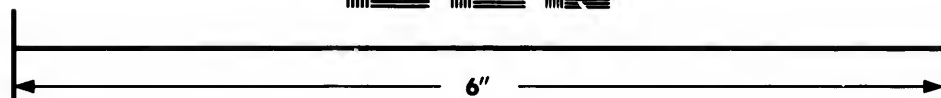
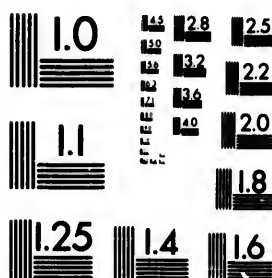


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of Control alone to give laws to the eastern world, swarming with myriads of British subjects? Is Leadenhall street a fit seat of Empire for all India? Is Downing street the House of Assembly of The Cape of Good Hope, of Sierra Leone, of the Mauritius, of Australia, of Newfoundland and of all the other Crown colonies in both the East and West Indies? Are principal and under Secretaries of State the representatives in colonial or imperial parliaments for the multitude of British subjects inhabiting these colonies, and daily adding wealth, strength and power to the British Empire? Are these noblemen and gentlemen, however respectable, however dignified for rank and talents, to be at once the law makers and law breakers for this great host of the sons and the subjects of Britain? I hope not. I trust not. They have been so too long already; and I trust the day is not far distant when every British subject in the empire will be enabled, as he is already entitled, to make laws for himself in both the colonial and imperial legislatures. That is his right: let it also be his duty.

Let me, however, pause for a moment, and ask, whether, even if colonial legislators were as numerous as the colonies themselves; and that a system of local representative government prevailed from east to west, from north to south, wherever British rule and dominion existed,—is this the kind of government—is

this the only kind and species of legislation that British subjects bargained for at the hour of their birth, and afterwards when they were matured into members of the body-politick? What are these local governments and representative systems but the mere offerings of necessity—a mere family compact, instituted only for the purpose of preserving the internal peace of the colonies, and enacting municipal rules of conduct for the benefit of the inhabitants *in subserviency to the great imperial council of the nation*? Is not every petty and corrupt corporation in England, Scotland, and Ireland, endowed with the same privileges? And when has it ever been said that these corporations are adequate to the maintenance of all the rights and privileges of the inhabitants, and all that in the name of justice they can claim and desire as British subjects. Can any local or provincial legislature assume the rights, and confer the privileges of a general and supreme one? If you admit their *exclusive* right of legislation in all cases and in all circumstances, then I am willing to admit in return, that the colonies have no claim to be represented in the imperial parliament. Nay, I admit more, and what I dare to say few would be disposed to grant to me—that in such a case the colonies are no longer dependencies of the mother country; and that the mother country has no claim either upon their allegiance or

obedience. This, you will say, is carrying the argument rather too far ; and I admit it. How a member of the *City* Corporation would laugh at you, if you told him, that he had little or no claim to be represented in parliament, and for that he had already a voice in the local and municipal councils ! How a Liverpool ship-owner would stare at you, if you said to him, " Sir, you are very busy indeed canvassing for a member to represent you in parliament ; but why should *you* trouble your head so much on a point in which you are not so deeply interested as you imagine : have you not the pure and uncorrupted borough corporation to supply all your legislative wants, and redress all your grievances ?" Then think of the sapient smile of a Glasgow or Paisley weaver, if you told him that the corporations of those towns were sufficient for all legislative purposes ! And are you not stunned with poor Pat's boisterous roar of merriment and ridicule, as you venture to tell him that the enlightened corporation of the city of Dublin, is all the parliament he can reasonably wish for ? Do you suppose, then, that the colonist will be less urgent in his demands ? Do you suppose that his claim to be represented in parliament is not equally good, or that nature has endowed him with less spirit in an attempt to make it good ? Do you think he can be pushed aside with less ceremony, and trampled upon with greater impunity than either the English-

man, the Scotsman, or the Irishman? Can you suppose for a moment that he is capable of selling his birthright? Do you think he can much longer endure to be a slave while his more favoured fellow-subjects are free? To be sure you may do all this if you please; but I can assure you in return, that you will not do it long; and that the time has arrived when the colonist *must* be put on the same footing with the highest and most privileged inhabitant of the mother country. A colonial parliament is not the parliament of Great Britain and Ireland; and until you convince me that it is, it is in vain that you will deny the right of the colonist to be represented in the one as well as in the other.

I am yet again told, that the colonies are, and always have been, *virtually* represented in the British parliament. I should be glad to know what this virtual representation means? I should be happy to be a little better informed with respect to its mysteries. If there is any virtue at all in it, I should like to be initiated. I should like to be informed of its *locale*. I should like to know its latitude and longitude; its height and depth, its length and breadth. I should like to know when the parliament of which it is composed was first summoned, and when it is generally assembled, prorogued and dissolved. I should like to know whence the writs issue; where the poll is held;

who is the returning officer; who are the electors, and what constitutes their qualifications? I should then, above all things, like to know, who are the representatives; what their number and qualifications may be; and in what proportions they are divided among the colonies? Do they meet at Westminster or Wales—Oxford or Ormond—Cockermouth or Coventry? All this I should like to know, because the colonies have been somewhat ignorant on these points for many years last past; and because being certainly in some degree interested myself, I am very desirous of affording to my fellow-subjects in the colonies some information on a very important subject, with regard to which they have hitherto been much in the dark. But I have my misgivings. I begin, after all to be afraid, that there must be some mistake in the business. I begin to fear that the whole is the progeny of some wild but brilliant imagination; that there is less of reality than surmise in it; and that, instead of being a thing of substance, a body of flesh and blood, of nerves and sinews, it is but a phantom—a mere man of straw. If real, why do we not feel it? if visible, why do we not see it? This virtual parliament, those virtual electors, and those virtual knights and burgesses, so much spoken of, are totally unknown in the colonies. They neither know where to find them, nor how to go in search of them. Their political

charts give them no information on the subject. Their pilots are mute ; and the needle trembles as if in some high latitude of the arctic regions. The scene is altogether a *terra incognita* to them. Having never felt the beneficial effects of a virtual parliament, they are less sanguine in their expectations of its future usefulness, and daily become more distrustful of its efficacy. But even if it did exist ; even if it had its electors and representatives, its meetings and its prorogations, its speaker and officers, its mace and sergeant, its crown and coronets, is this the sort of thing that the colonies claim a right to be represented in directly and substantially ? Is this the king, lords and commons of Great Britain and Ireland, in parliament assembled ? Is this the place that real, substantial, and useful laws are made for the whole British empire, binding upon the inhabitants, and in which natural-born British subjects all over the world have an equal and undoubted right to make their own laws by their representatives duly and immediately elected ? Is this the sort of parliament—is this the representation, a reform of which has roused the people of England, Scotland and Ireland from the placid and peaceful slumber of ages, and join in one universal howl of discontent and disobedience ? Is it for such a representation as this that the whole people murmur and brawl ? Is it for this that they have become in

a moment one dense mass of clamourers? Is it for this they now contend in arms? Is it for this that the shout of battle is heard amongst them? Is it for this that they have become rioters, incendiaries and bacchanalian furies? Is it for this that the British empire shakes to its very centre? If it is, why should not Birmingham and Manchester, York and Leeds, Edinburgh and Glasgow, be as *virtually* represented as Jamaica and Canada, Australia and India? Why should a British subject in the latter places be less privileged than one in the former? Where is the distinction in the rights of natural-born subjects? By what law have those in the colonies been disfranchised? When have they lost caste? I would strongly recommend to the advocates and promoters of reform in parliament, if they would deserve the title and earn its lasting wages, to extend their view, and not to restrain it within their own hearths and hamlets. I would recommend to them to penetrate the horizon, and send it across the Atlantick and Pacifick oceans. In the islands and countries beyond these seas, they will find matter worthy of their attention as well as at home. They will there find millions of British subjects who have not as much as ever heard of representation in parliament at all, though it is their first and noblest birthright; who have never experienced the effects of representation of any kind; and who yearn with anxious hope

for the day which will unite them, I hope for ever, in one great, free and equal constitution of government, with their brethren in the mother country. They will find men as deserving, and property as worthy, of representation in parliament as either can possibly be in the metropolitan state. They will find in the West Indies, in America and India, men who will not be jeered with any representation, either virtual or implied, short of a direct and efficacious one. They will find men who begin to understand more and more not only of their true interests, but of their real rights as British subjects; and who will sooner or later insist upon the exercise of them as ardently and courageously, as fiercely and unanimously as any club or other body of associated reformers in Birmingham or Manchester. We have seen that their privileges are the same—springing from one system of laws and one common country; and why should a claim to their enjoyment not be equally urgent and equally successful? Why should not I, who am a freeholder in the county of St. Maurice, in the district of Three Rivers, in the province of Lower Canada, which is part and parcel of the British empire, and subject to the crown and parliament of Great Britain, not be as much entitled to vote for a representative in that parliament as any forty shillings or ten pounds freeholder or householder in any town or county in the United

Kingdom? As there is no difference in our rights, so there ought to be no distinction in our privileges. If a freehold confers rights in one country, why should it not do so in the other? It does confer equal rights; and these rights are inherent in every British subject. They are rights which I can neither alienate nor be dispossessed of. "There is an unspeakable pleasure," says Addison, "in calling any thing one's own. A freehold, though it be but in ice and snow, will make the owner pleased in the possession, and stout in the defence of it." But to conclude this branch of my argument with respect to the idle toy of virtual representation, which is thrown at the colonies at once to amuse and beguile them; let me call Burke to my assistance. He has hitherto been at wild war against me, but here he is completely and altogether on my side. "But America," says he, in his speech on *conciliation* with that country, "is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantick, than pervade Wales, which lies in your neighbourhood: or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then

can I think it sufficient for those who are infinitely greater, and infinitely more remote?"

But, as if all this were not enough, I am moreover told, that the Colonies ever have had and always may have *Agents* to represent them and transact all their publick affairs in the mother country. This is adding insult to injury. Agency may be, and I believe it to be, a good thing in many respects. It is good in courts of law; it is good in commercial transactions, and in all kinds of traffick. It is good in London and Liverpool; it is good in China; it is good in Japan, and in Quebec and Montreal. But who has ever before heard of a *representative agency in parliament*? Who has ever before heard of the rights, liberties and franchises of a *constituent agency*? Where are their *Magna Charta* and *Bill of Rights* to be found? I am afraid we shall be left as much in the dark on this subject as we have been with respect to virtual representation. Are agents the true, constitutional representatives in parliament of British subjects and British freeholders? If they are, why are they not more general; why are they not more highly prized; and why are they not common to the united kingdom as well as to the colonies? I am really ashamed at putting down so many questions on a subject so plain and simple; but I cannot help it, for I am aware of no other method by which I can conduct such an argument. Is this then the kind of

brokerage which is to be substituted for that direct, and palpable, and efficient representation in parliament, which we have seen is the right of every British subject, as well in the colonies as elsewhere? Are the qualifications of our members of parliament—those framers of our laws and guardians of our freedom—to be determined by a *per centage*, by the price of stocks, or by the rise and fall of the funds? Truly this is a new species of qualification, and one which, I apprehend, our constitution will never recognize. Perhaps this is the *real* reform in parliament which has been of late so much spoken of. If it is, the colonies can have no objections to it, for they only claim an equality of rights with the inhabitants of the mother country. They cannot help observing, however, that, if the future may be judged by the past, they augur very little improvement from this new system of representative government; and fear their affairs will be as ill attended to as ever. No doubt the colonial agents have, in times past, been both numerous and respectable; but we have never been able to trace their progress in parliament farther than the *bar* of either house. Who has ever seen a mere colonial agent sitting either on the ministerial or opposition benches; what teller has counted his votes; what reporter has published his speeches? This is not the scene of a colonial agent's operations; this is neither his place nor

his proper element. When a question in which his colony is deeply interested comes to be discussed, you may indeed see him tortured as a witness at the bar, or prowling for information in the gallery, and as a mere spectator, watching at a distance the issue of events in which he has no voice, and in which he can take no part. Anon you behold him peeping into committee rooms; and, hat in hand, asking this member and that other member questions about the fate of America or India which perhaps they can no more answer, if they even deigned to do so, than poor Mungo hoeing his sugar canes. Should you happen to pass through Downing street, there again you see him toiling and panting up and down, to and fro, among the publick offices, pale with despair and bending to the ground under a load of memorials and petitions for redress of colonial grievances. And, to close the scene, should you once more visit the house of commons, there again you find the lobby, to use the expressive language of Mr. Burke, "filled with squabbling colony agents, who will require the interposition of your mace, at every instant, to keep the peace amongst them." I am sure this is not the sort of representation in the imperial parliament which the colonies claim and have a right to demand. The foundations of their rights are more deeply laid, and their expectations much higher. The representation they

want is that which will entitle a representative, freely, legally, constitutionally, and directly chosen, to both a seat and a voice in the heart of parliament. As there are no distinctions in the rights of the people, the constituent body, they demand that there shall be no difference in the privileges and legislative powers of the representatives. The colonies demand, that their representatives shall sit side by side, and intermix in council with the highest commoner in England: that, when necessary, they shall in the face of the country, in the face of the government and minister of the day, frankly and fearlessly, speak of the welfare of their constituents, and claim the redress of their injuries; not as a matter of favour, but of right, in the same way that such things are done with respect to the inhabitants of the mother country: and that, as members of parliament, they shall altogether stand on the same footing with their fellow-knights and burgesses, not in respect of numbers, to be sure, for that is out of the question; but in respect of rank, dignity, and freedom of speech and action. Such are the representatives the colonies want. It is true that the colonies may, as I believe several of them at present do, nominate as their agents gentlemen who have already seats in parliament. But what does such nomination prove but both the flagrancy of the injustice which is done to the colonies by denying to them the

right of sending members to parliament, and the absolute necessity of being openly and directly represented there. No doubt these cut and dry representative agents, on a variety of points and on many occasions, discharge their duties to their clients honestly and honourably. But the chain which connects them with the colonies is both a long and a feeble one. It may indeed occasionally be a golden one; but it can have no resemblance whatever to that of "The Traveller." The members of parliament for Middlesex and Yorkshire may be very good members for their respective counties; because they have large properties there, they generally reside there, and have a variety of interests and connections there which they can never possibly have with the colonies. But by what feelings, by what interests, by what endearments can they be supposed to be either personally or politically associated with the colonies? Have they estates or any species of property there, the value of which they wish to enhance by the influence and legislative power of parliament? Have they any local or natural ties there? Have they wives and children there in whose present and future welfare they are deeply interested? Do they occasionally reside in any of the colonies? Have they friends and acquaintances there for whose publick and private interests they are concerned? Are there any civil or political tribunals in the colo-

aies that may have denied them justice, or encroached upon their rights as British subjects. Are there any military tyrants there who may have trampled upon their liberties? Do they always speak and act as if they were natives of the colonies? And, in short, have they any sympathy in common with the people of the colonies, except that momentary and precarious one which may at any time be excited by a few hundred pounds, and a short interchange of instructions and despatches? I believe such a thing has occurred as a member of parliament's accepting a salary for acting in the capacity of a colonial agent. If it has, the same thing may happen again. But I decline to speculate on the delicacy of any member of parliament who would receive a gratuity from a colony, whilst bound by law and in honour to discharge his duty to his constituents at home for nothing. Nor shall I enter at present upon the constitutional question which the *agency* of any member of parliament involves; for we all know, that, if he is not bound to advocate the rights of his immediate constituents otherwise than as a member for the whole kingdom, it would be highly unsuitable and would seem very inconsistent in him to become the professed, the hired and paid agent of any particular portion of British subjects; especially as neither the law nor the constitution of the empire has ever denied the right of being represented in

parliament to the meanest member of the community, wherever situated.

It may here be observed, that since the question of colonial representation has been agitated, some colonies have declared their willingness still to go on as they have formerly done, and to be content with the old system of agency. There is proof of this in the appendix, and I am extremely sorry for it. But I would not coerce any man or body of men. If the thing is to be done at all, and I have no doubts upon the subject, it ought to be put in the option of the colonies to return members to parliament or not, just as it suited their convenience and pleasure. This would at once obviate all objections on that head. When a man has his choice he is sure to be contented. Depend upon it, however, that the colony which does not desire to become more intimately connected with the mother country, in the bonds of interest and friendship, has some private views of its own which ought to be carefully watched. Depend upon it, that any colony of any extent of territory, of commerce, property and population which is not desirous of being represented in parliament, the supreme superintending council of the empire, already begins to entertain private views of aggrandizement of its own separate from the real and lasting interests of the mother country. Let not such a colony be trusted ! However, should this happily not be

the case, and that an act, permitting the colonies to return a certain number of members to parliament, should once be passed, it would soon be seen whose interests should be best attended to, and whose prosperity should increase with greater rapidity—those of the colonies who availed themselves of the new law, or those of the colonies who adhered to the old inefficient and incongruous system of agency. This in many respects would be a test which none could mistake. It would at once shew the true spirit and sentiments of the colonies with respect to their connexion with the mother country, and prove the beneficial effects of colonial representation in general. Such are a few of my humble ideas with regard to the general rights of the colonies to representation in parliament, of virtual representation, and of colony agents. I now proceed to other matter of equal importance.

We have seen that loco-motion is as much a part of the personal liberty and security of a British subject, as any other right which he is capable of enjoying; and that he may convey his person from one place to another, just as his inclinations may dictate or his necessities prescribe. Without this liberty it is certain that we should exist in a state of the grossest slavery; be bound to the soil like cattle, and in the condition of the ancient Saxon villeins, of Polish boors, or of Spartan helotes. But the case

is happily otherwise. We are at liberty not only to remove from town to town, and from county to county of the united kingdom, but to transport ourselves and all our moveable property to any of the colonies we think it proper to pitch upon. Why? Because the colonies being within the dominions of the empire, are by law part and parcel of the united kingdom of Great Britain and Ireland, subject to the same sovereignty, and to the constitutional government and supremacy of parliament. When an individual removes from Scotland or Ireland into England, or from England into Ireland or Scotland, we know that he cannot forfeit the general liberty and security which constitute his birthrights as a British subject. Nay more, if he acquire a freehold in either of these countries, he immediately becomes an elector; and, in the course of time and circumstances, may also become a representative in the imperial parliament. If, then, we call to mind that a British subject removing to the colonies, and, there settling, acquires both property and a freehold, is as much entitled to his birthrights as this more favoured domestick migrator, it becomes extremely difficult to understand how the wide distinction which arises in their several cases can possibly exist. Surely common rights ought to obtain common protection. Surely common privileges ought to be held

equally sacred in all places and under all circumstances. I have never learned that any law has been passed imposing the severe and unnatural penalty of total disfranchisement upon the individual who emigrates to the colonies, and there increases the strength and population of the empire, more than on the individual who confines his excursions to the British isles. On the contrary, every possible encouragement has always been held out to the emigrant beyond the seas. Proclamations have frequently been made and acts of parliament passed, not only fulfilling such encouragements, but regulating the mode of conveyance to the colonies. There happens to be before me at this moment a proclamation containing the following excellent promises and remarkable expressions. "Whereas we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our Crown by the late definitive treaty of peace, concluded at Paris the tenth day of February last; and being desirous that all our loving subjects, as well of our kingdoms, as of our colonies in America, may avail themselves with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures and navigation; we have thought fit, with the advice of our privy council, to issue this our Royal Proclamation, hereby to

publish and declare to all our loving subjects, that we have with the advice of our said Privy Council, granted our letters patent under our great seal of Great Britain, to erect within the countries and islands, ceded and confirmed to us by the said treaty, four distinct and separate governments," &c. "And whereas it will greatly contribute to the speedy settling of our said new governments, that our loving subjects should be informed of *our paternal care for the security of the liberty and properties of all those who are, and shall become inhabitants thereof*, we have thought fit to publish and declare" &c. "And all persons inhabiting in, or resorting to our said colonies may *confide* in our royal protection for the enjoyment of the benefit of the laws of our realm of England," &c. This celebrated proclamation is dated the seventh of October, 1763; and concludes with the usual benediction of "God save the King." Amen. But surely the good and amiable sovereign who issued it, in setting forth the great benefits and advantages that would accrue to his "loving subjects" by abandoning their native country and settling in the colonies, never intended that they should be perpetually banished, and forever deprived of the rights and privileges of British subjects. Surely his majesty, if he had the power, which I deny he had, did not intend to proscribe his "loving subjects." Surely his

majesty, even with the advice of his privy council, could neither legally nor constitutionally deprive his "loving subjects" of the right of being represented in a parliament of which they, as forming a part of the body-politick, were, and since their birth had been, a constituent part. Surely, by inducing his "loving subjects" to settle in the colonies, his majesty did not intend that they should disfranchise themselves as British freeholders, British electors, and British representatives in parliament. Surely his majesty's "paternal care for the security of the liberty and properties of his loving subjects," could never be construed as a design to entrap them in any matter whatever. But whatever the design and intention may have been on this as well as on other occasions, the effect has been the same : it is well known ; it has been dearly purchased. Others who took the "*advice*" of the privy council, were deceived as well as his majesty. No doubt by the settlement of colonies "great benefits and advantages must accrue to commerce, manufactures, and navigation ;" but it is only to the people who remain behind in the mother country, and who were wise enough not to be seduced by either proclamations or acts of parliament to part with their birthrights. Where then is the justice—what the honour—of making one portion of British subjects subservient to ano-

ther ; and of stamping them with the character of outcasts by the most cruel and impolitick of measures, that their fellow-subjects at home may not only be enriched, but continue to enjoy with more freedom and in greater latitude the blessings of which the colonists have been robbed ? It is not possible that a people thus treated can be either loyal to their government nor patriotick to their country ? Finding themselves both deprived of their rights, and abandoned by the guardians of the state, they naturally begin to despair of ever being able to recover their original inheritance, and imbibe a spirit, sentiments and feelings far from being congenial with those which ought to characterize a nation equally united in rights and liberties.

So then emigration and settlement in the colonies is perpetual banishment ! But it is worse. The punishment of transportation is not only inflicted on an individual, but on all his posterity ; not because he or they may have committed a crime ; not because they may have been guilty of treason, rape or robbery, or any other of the crimes forbidden in the dark and mysterious decalogue of the criminal code of their native country ; not because they may have been faithless to their trust as British subjects ; not because they may have been cowards in the field, or traitors in the cabinet ; but on the contrary, 'because they have respected his

majesty's proclamations, obeyed acts of Parliament, and suffered themselves to have been seduced by a variety of other blandishments fraught with the grandeur and glory of foreign settlement. What is this, on the part of the King and Parliament of Great Britain, but a sort of subornation of perpetual exile? What is this but punishing the innocent? There is something in all this business not only invidious but shocking to the feelings of natural born Britons. If persisted in I have no doubt whatever but it will terminate in a complete alienation of the affections of a brave, industrious and loyal people, who are bound to their allegiance without the protection and privileges belonging to it—who are bound to obey laws in the making of which they have no voice directly or indirectly. The system cannot possibly last long. Disfranchisement and allegiance have no connecting link. They are the Antipodes of the political world. They are contending and opposing principles which can never be reconciled. But Governor Pownall puts the argument in a much better point of view than I can. He says "The plantations were settled on these lands by the King's licence and grant; the constitutions and powers of Government were framed by the King's charters and commissions; and the colonists understanding themselves removed out of the realm, considered themselves in their

executive and legislative capacity of government, in immediate connection and subordination to the King, their only sovereign lord.

"In the same manner as this state and circumstances of a people migrating from, and settling in vacant countries, without, or out of the territories of the realm, operated to the establishment of the king's sovereignty there, he having assumed an exclusive right to the property. In the same manner it must and did necessarily operate to the establishment of the people's liberty, both personal and political,—they had either tacit or express permission to migrate from the realm, and to settle in places out of the realm, those who settled under charters, had in those charters licence, by an express clause, to quit the realm; and to settle on lands out of the realm; as also acknowledgment that they and their posterity were entitled to enjoy all the liberties, franchises and immunities, of free denizens and natural subjects, to all intents and purposes, as if they had been abiding and born within the realm.

"So long as they were considered as natural born English subjects of the realm, they must retain and possess in the full enjoyment and exercise thereof, all the same rights and liberties in their persons, all the same franchises and privileges in their property, that any other English subject did possess. If their freehold was part of any manor in any county of the realm, and

that freehold was worth forty shillings by the year, such freehold undoubtedly gave the possessor a vote for the representative of such county ; and these rights must give this subject this freeholder, claim to the same participation of Council in the legislative part of government to the same communication of power in the executive part, the same right to act and trade as every other English freeholder.

“ If by migrating from out of the realm the colonist ceased to have participation, such legislative participation in the councils as the English freeholder hath ; if they ceased to have communication in the offices, burthens and exercise of government ; if being without the realm they ceased to be bound by laws made only for the internal regulation and government of the realm ; if they ceased in future to be bound by laws wherein they were not expressly named ; if they ceased to be under the protection of those laws which were made, and those powers and magistracies which were created for the preservation of the peace within the realm ; if they were (no matter how) separated from participation of the benefits of our holy religion, according to the established Church ; and if the colonies at the same time were not parts and parcels of the realm, *they undoubtedly ceased to be subjects of the realm.*”

No doubt on it. Under present laws and

circumstances a British colonist, whether he may have emigrated to the colonies or have been born there, is scarcely better than an alien or foreigner ; and I regret to observe that he is frequently denominated by the latter title in Acts of Parliament and other publick instruments, the framers of which, if their hearts are obtuse or their heads ignorant, ought, before drawing them, to have at least consulted maps and histories. Yet such is the fact. We have, to be sure, in the colonies our Governors, our Executive Councils, our Legislative Assemblies, and so forth, which are all very good things in their way, and the best substitute which has hitherto been devised for the king and parliament of Great Britain. But when, where, and how have these Governors, these Executive Councils, and Legislative Assemblies *added* to the liberty and security of a British subject ? Have they ever been able to place him in a better condition than he formerly stood ; or endowed him with greater or more extensive privileges than those derived from the Imperial Parliament, the source and power whence they have themselves sprung ? Quite the contrary. For whatever the desire may have been, the power, if it could possibly exist, has always been denied. And will any man, however high in place, power, or authority, tell me, that the

moment I left my native shores and settled in the colonies, I necessarily forfeited a share, and the best and most important share, too, of my rights as a British subject—that is, the right of being represented in parliament, the tribunal of last resort of the nation? It is true that if I have the misfortune of going to law with my neighbour in the colonies, and that I happen to be unsuccessful, I may appeal to the King in Council. But the right of appealing to the King in Council, with respect to matters of a mere judicial interpretation, is surely not representation in Parliament, in virtue of which the King and his Council exist, live and move and have their being. Is less faith to be placed in the decisions of colonial courts of law than in the acts of colonial legislatures, while both are equally entitled to the same respect and confidence? And are not my general civil rights, as a British subject, of as much importance in the estimation of my country, than a paltry private dispute about a few hundred pounds? I can certainly very easily conceive the difference in the importance of these two cases; but cannot possibly discover any room for the distinction. To secure by legal process the just claims of one citizen upon another, is undoubtedly a fundamental maxim of the laws; but surely the general interests of society, which include the

inherent rights of an individual, are equally, and ought equally to be an original object of our constitution of government.

Let me ask, then, if the porter who may have put my trunk on board of ship at Liverpool, or the surly Custom-house officer who may have turned it inside out in London, is to enjoy privileges of which I am deprived, for no other reason than, because, being more enterprising, I emigrate to the colonies; there settle, and, in the sublime strain of the proclamations, avail, myself, "with all convenient speed, of the great benefits and advantages which must accrue therefrom to commerce, manufactures, and navigation," while he of London or Liverpool remains at home, perhaps the inmate of an almshouse? There can be neither reason nor justice in laws which draw such nice and prejudicial distinctions. Why should any individual, at once a British subject and a British colonist, thus be deprived of his natural rights? We have seen that he can neither forfeit nor shake off his allegiance like a garment. We have seen that by no change of time, place, or circumstances, can the allegiance of a natural-born British subject be cancelled. In the name then of all that is just, why should not all the rights and privileges which so binding and perpetual a bond imply, be co-eternal and co-extensive? But

so far is this from being the case, that if a colonist commit any the least breach of his allegiance ; if he be found guilty of sedition, treason or felony, he ought to consider himself a very fortunate being, if he be not immediately led in due form and procession to the gallows, and there hanged and quartered by virtue and under the authority of laws in the making of which he has neither voice nor faculty.

Such are the blessings of the mongrel allegiance of a British colonist ! Such is the mode in which he is bound hand and foot, soul and body, life and limb, to the stake of the laws of his country, without the power of either relief or redress ! Is it not now high time that we should have some representation in Parliament ? Is it not now high time that we, who are the sons and daughters of Great Britain ; that we, who are sent abroad into the colonies to enrich and strengthen the moral and commercial sinews of the mother country, under the solemn promise of the state to be protected in all our rights and privileges ; that we, who form the outworks of the empire, and adorn as well as fortify the noble and glorious superstructure, — should have some little share, some small participation in the constitutional government of our common country ? One would naturally suppose so. But alas ! the case still continues to be otherwise. We

are still in the ranks of outcasts; we are still the Israelites of the British empire: we still wander in the wilderness of colonial toil and suffering with but little prospect of a general gathering of the people at the city of our refuge, the ark of our rest, the citadel of our security, the temple of our common political faith, the holy of holies of our ancient liberties — THE BRITISH CONSTITUTION. And can such things be? Can such a state of things endure for ever? Is it the doom of the Colonies to be eternally condemned to the purgatory of "*Schedule A*?" Are we ever to be looked to as the Anthropophagi of the empire, the untameable savages and man-eaters, who afford so fertile a field to the imaginations of story-tellers and tale-gatherers, and so great a fund of amusement and wonder to the nurseries of our fellow-subjects in the mother country? I shall only add on this head one short advice and observation. IT IS TIME THAT JUSTICE WERE DONE. THE BRITISH COLONISTS ARE NOT A PEOPLE WHO WILL MUCH LONGER EN-DURE TO BE DUPED.*

* *The Inverness Journal* of the 28th October, 1831; has just been put into my hands; and as it contains a paragraph singularly corroborative of many of the statements and arguments contained in my *third chapter*, I shall

We have seen, in the last place, that the third natural birthright of a British subject, is the right of private property ; and that no aids can be borrowed from, no taxes levied or imposed upon the property or persons of the peo-

make no apology for transcribing it in this place ; the chapter in question having been printed long before the present one was composed. I presume there can be no doubt entertained with respect to the authenticity of the following occurrence ; for I happen to have some knowledge of the respectability of the *Inverness Journal*, a newspaper well known throughout the British empire ; and in the perusal of which I take much pleasure far from the scenes and the days of other times.

“PLEASURES OF A COASTING VOYAGE. The Earl Gower, Anton, a trader between Leith and Wick left the latter port on the 19th ultimo, with about 30 passengers, intending to proceed to Leith, but was compelled by a heavy gale to run for the Orkneys, and was detained for nine days in Longhope. After sailing from thence the vessel was on the 30th driven into Cromarty, only about 80 miles south of Wick, where she was detained by adverse winds four days longer. Some of the passengers, thinking they had enough of the winds and the pleasures of the ocean, left that place for Edinburgh in the mail coach, and fortunate for them they did so ; for the vessel after putting to sea again, had to take refuge in Fraserburgh on the 5th inst. where most of the passengers had to betake themselves to the same land conveyance, and reached Edinburgh on Saturday, *three weeks* from the time they left Wick, a distance of 277 miles only by land.”

ple, without their own free consent in parliament. This is indeed a great and glorious right. Happy are the people who enjoy it; thrice happy the sovereign and government who transact public affairs with the freewill offering of a liberal people. This right seems to have formed the basis of civil government, for it implies freedom of person in addition to the security of property. It may also be said to be the foundation of civilization, and the groundwork of human happiness; the whole object of law, but especially the constitutional code of Great Britain, being, as I have before mentioned, to protect men in all they may lawfully *do, possess or demand*. The word *jus* or *right*, has in consequence been defined by civilians to be "*facultas aliquid agendi, vel possidendi, vel ab alio consequendi*,"—a lawful claim to do any thing, to possess any thing, or to demand something from some other person. The first of these, which is the right of liberty, I have already considered in so far as we are concerned as British subjects. The last, which is the right arising from contract, I shall have occasion to refer to in the next chapter. It is only the second, the right of property, that can at present form the subject of inquiry. The right of property, it may here be added, is a real right; and the idea of it, as I have lately remarked, includes a right of exclusive enjoy-

ment, a right of inquiring after our property when taken away without our consent; a right of transference, and a right of defending it like our persons, when attacked. Property in any object cannot be complete unless we can exercise all these rights with respect to it. The main question, therefore, to be considered on the present occasion, is, whether this important right, in all its phases and features, in all its moral and political consequences, be equally complete throughout the British Empire—in colonies as well as in the mother country, without either distinction, discrimination, or partiality?

I admit that the question is a nice and delicate one. I admit that the path which I intend to follow is a dark and winding one. I admit that the course which I mean to pursue is an intricate one, full of hidden dangers, rocks, precipices and pitfalls. I admit that the chord which must necessarily be struck, ought to be touched with a light and dexterous hand. I admit that this chord has already been snapped in part; and that the sound of its dissolution is still vibrating in our ears. I admit that there is a moral Etna beneath me, a dark and lowering political cloud above me, and a wide and a stormy sea of new, and agitated, and strange, and fearful opinions on every side of me. But God forbid that I should in any degree be instru-

mental in producing results similar to those which have before divided the unity of this great empire, and plunged it in blood and misery. God forbid that I, or any other individual, should ever have the power of evoking spirits from the mighty deep of misrule, disobedience, dissension and disunion. This is far from being my object. If I had the power, I thank my God that I am totally devoid of the inclination. I come not to destroy but to heal. I come not to dis sever but to unite. I come not to dissolve but to entwine the bonds of national affection and concord. I bear not the wand of a destroying angel. I would only assume the placid but stern demeanour of a guardian. I would only arrogate to myself the humble station of an arbitrator of mutual peace and good will—of lasting communion and friendship between Great Britain and her colonies. This is my sole and utmost desire on the present as on all other occasions ; and I hope it is no unreasonable ambition. JUSTICE, however, must be maintained ; and I should certainly esteem it no mean office to be considered a rude but useful pillar in her temple. There is nothing in such a situation incompatible with the best dictates of the human heart, or the dearest interests of society. Justice is a principle deeply implanted in the mind ; and there is none which is subservient to more valuable

purposes. It is by justice alone that the birth-rights of British subjects are upheld : it is only by justice that their wrongs can be redressed. Let her be once invoked, and we need not fear the consequences. Her dictates may be enforced, and her sword wielded without endangering the peace of society. Let the doors of her tribunals, therefore, never be shut against BRITONS ; for when they plead before her in behalf of their native rights, in behalf of their constitutional privileges, the issue cannot be long doubtful.

In order to ascertain the important fact, whether the property of British subjects in the colonies is in a worse situation, and derives less security and protection from the laws, than that of the inhabitants of the mother country, it will only be necessary to inquire, whether the imperial parliament, the supreme authority of the nation, assumes the power of intermeddling with any species of property in the colonies, by imposing taxes or other burdens upon persons or property, while neither these persons nor these properties are represented in parliament ? That parliament assumes and has long assumed this unjust and unpopular power, is unfortunately but too true. It commenced with the existence of the colonies, and increased with their growth. The system is so ancient that we can scarcely trace its origin, although its effects are

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so palpably before us; although they continue to stare us in the face at every step and every moment of our lives. It is the servitude of centuries; the uncompensated slavery of ages. Should this system be continued, generations yet unborn may in reason and justice be expected to stigmatize us as both ignorant of our rights, and incapable of maintaining them. It is true we have borne it meekly, and with but few murmurings: it is true we have thriven under it: nay, it is even true, that we have enjoyed both publick and domestick happiness in the midst of it. But is this a foundation capable of enduring the ponderous superstructure of national rights? This surely is not the basis of publick liberty, far less of security of property. We have not indeed been very clamorous in our complaints. We have not hitherto urged them with the energetick spirit of suffering freemen. We have deafened no minister's ears: we have crowded no parliamentary lobby: we have called no meetings: we have brawled for neither parliamentary reform, nor colonial representation: and we have not prostrated ourselves in sackcloth and ashes at the footstool of the throne. No; we have done none of these things. But though we may be injured, we are not altogether unreasonable men. We know that national authority must be centered somewhere. We know that the su-

perintending power of parliament, though sometimes austere, unfeeling and unbending, has been the prop of our infancy, and the guardian of our more advanced years. We have been brought up at the knees of that venerable and patriarchal power: we have largely partaken of its bounty: we are aware of its generosity, and are, I hope, grateful for it: we have rejoiced in its strength, participated in its glory, and been proud of its dignity. Yet perpetual pupilage, enduring servitude, are unlike unworthy of child and parent, of minor and guardian. It would for ever stint the moral and intellectual growth of the one, and degrade the other, in the estimation of all reflecting men, as a proud and haughty tyrant, both unwilling to allow others to participate in his privileges, and incapable of entertaining one generous sentiment. Nor, indeed, is our ambition very great. The boon which we seek is not entire emancipation. It is not uncontrouled liberty to do for ourselves as we best can, like other members of the family who have gone out from us to return no more. It is not the wild freedom of the reckless and abandoned profligate. We do not, like the prodigal, ask the portion of goods that falleth to us, with the view of taking our journey into a far country, and there wasting our substance with riotous living. Our desire, on the contrary, is only to continue members of the happy family in which we have been

born and brought up ; to draw both the paternal and fraternal bonds tighter and tighter around us ; and to strengthen the chains of the family communion. But we desire at the same time to enjoy equal rights and equal privileges. We desire to be put on the same footing with the other members of the family. Being persons of some little means, we desire, because we think it is our right, to have some voice in the management of it. Being joint-heirs of the inheritance of our forefathers, we desire to be consulted in its management. Being heirs at law to the patrimony of the British constitution, we desire to participate in the benefits arising from it. Being of age and of sound mind and judgment, we desire to be acknowledged as men capable of filling our station at the council-board, particularly when our own immediate goods and chattels are to be disposed of. Being now of mature age, we desire that our leading-strings may be cut away from us, and that we may be permitted to pursue the course which right and nature alike dictate. We desire that the emblems of manhood, the *toga virilis*, may be delivered to us.

But I find that I am desired to produce a certificate of the justice of our claim to these high and mighty privileges. I am desired to exhibit our passport to this new scene of action of which I seem to think and speak so highly and enthu-

siastically. Would that I could add, so eloquently. I am desired to show my right of admission to this unknown country, to those unexplored regions that have never before been trodden upon by any colonial foot—to this wonderful paradise, to this blest abode, to this cloud-capt Olympus of gods and men, where such great deeds are done, such solemn conclaves are held, and such excellent laws are enacted. In short, I am desired to prove by the guardians and watchmen of these sacred towers of the British parliament that we are injured in our persons and property, before we can be admitted; that the colonies are actually taxed by that supreme and omnipotent body of men, without being represented among them. I think it strange, however, to be compelled to do any such thing, when, as I have just had occasion to observe, the fact is plain and palpable. I can scarcely open the parliamentary book of laws, without stumbling on some act imposing customs and taxes upon the colonies. But I accept the challenge. I cheerfully take up the gauntlet. I do so indeed with some emotions of anxiety; but I entertain no fears of the consequences. If truth be on my side, as I know it is, justice must necessarily decide in my favour. The tourney will not be long. *Laissez aller.* "Man dies, but glory lives!"

I mean to show that the colonies, from their

first dawn on the western horizon, have been taxed by the imperial parliament of Great Britain, both internally and externally; and that they still continue to be so taxed with unceasing ardour and increasing pertinacity. If I succeed in doing this, there can be no difficulty, I should hope, in coming to the conclusion, that there is less security of property in the colonies, than in the mother country; and, consequently, that the inhabitants of the colonies are not in the full and free enjoyment of those natural rights and privileges which belong to them as British subjects.

Burke, in calling our attention back to the act of navigation, the corner-stone of the policy of Great-Britain with regard to its colonies, tells us, that "that policy was, from the beginning, purely commercial; and the commercial policy wholly restrictive. *It was the system of a monopoly.* No trade was let loose from that constraint, but merely to enable the colonist to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations: hence the innumerable checks and counter-checks: hence that infinite variety of paper chains by which you bind together this complicated system of the colonies.

This principle of commercial monopoly runs through no less than twenty-nine acts of parliament, from the year 1660 to the unfortunate period of 1764." "The act of navigation attended the colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered the time when they were not subject to such restraint." Again. "These colonies were evidently founded in subservience to the commerce of Great Britain. From this principle, the whole system of our laws concerning them *became a system of restriction*. A double monopoly was established on the part of the present country ; 1. A monopoly of their whole import, which is to be altogether from Great Britain ; 2. A monopoly of all their export, which is to be nowhere but to Great Britain, as far as it can serve any purpose here. On the same idea it was contrived that they should send all their products to us raw, and in their first state ; and that they should take every thing from us in the last stage of manufacture. Were ever a people under such circumstances, that is, a people who were to export raw, and to receive manufactured, and this, not a few luxurious articles, but all articles, even to those of the grossest, most vulgar, and necessary consumption, a people

who were in the hand of a general monopolist, were ever such a people suspected of a possibility of becoming a just object of revenue? All the ends of their foundation must be supposed utterly contradicted before they could become such an object. Every trade-law we have made must have been eluded, and become useless, before they could be in such a condition."* Hear Adam Smith on the same subject. "Every European nation has endeavoured more or less to monopolize to itself the commerce of its colonies, and, upon that account, has prohibited the ships of foreign nations from trading to them, and has prohibited them from importing European goods from any foreign nation." "The *liberality* of England towards the trade of her colonies, has been *confined chiefly* to what concerns the market for their produce, either in its rude state, or in what may be called the very first stage of manufacture. The more advanced or more refined manufacturers even of the colony produce, the merchants and manufacturers of Great Britain choose to reserve to themselves, and have prevailed upon the *Legislature* to prevent their establishment in the colonies, sometimes by high duties, and

* Observations on a late State of the nation, and Speech on American Taxation.

sometimes by absolute prohibitions. While Great Britain encourages in America the manufacturers of pig and bar iron, by exempting them from duties to which the like commodities are subject when imported from any other country, she imposes an absolute prohibition upon the erection of steel furnaces and slit-mills in any of her American plantations. She will not suffer her colonies to work in those more refined manufactures even for their own consumption; but insists upon her purchasing of her merchants and manufacturers all goods of this kind which they have occasion for. She prohibits the exportation from one province to another by water, and even the carriage by land upon horseback or in a cart, of hats, of wools and woollen goods, of the produce of America; a regulation which effectually prevents the establishment of any manufacture of such commodities for distant sale, and confines the industry of her colonies in this way to such coarse and household manufactures, as a private family commonly makes for its own use, or for that of some of its neighbours in the same province. To prohibit a great people, however, from making all that they can of every part of their own produce, or from employing their stock and industry in the way that they judge most advantageous to themselves, *is a manifest violation of the most sacred rights of mankind.*"

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And so indeed it is. This is what we com-plain of. This is the very acme of our griev-ances. This is the nauseous effluvium which poisons all we eat and all we drink, all we buy and all we sell. It is the loathsome distemper of all our commercial intercourse with our mother country as well as the rest of the world. It is the pestilential disease of our whole system. It is the incubus alike of our infant dreams and of the reveries of our more advanced years. This is the intolerable bur- den which presses and has always pressed us to the earth. This is the sad and heavy load to which our shoulders have been inured for ages. But, for all that, do we wish to throw it off, and plunge it into a raging sea of blood, rapine, and rebellion? Not we indeed. Our thoughts are fixed on better and higher things. Atlas himself is not more patient. We only want to have a helping hand in raising the bur- den which we are doomed to bear: for we consider it a very hard thing to be obliged to stand still, mutely and meekly, like so many brute beasts, with their bridles in their mouths, and the scourge lifted over their heads, while our task-masters are loading us with every species of commodity known throughout the world, except our own. Surely there is no- thing unreasonable in this. Surely we should have some share in imposing the burdens of

a commerce which incircles the globe. Surely British subjects in the colonies were born and exist for some more laudable and honourable purpose than to be the pack-horses of every nation in the world. I think our rights might be maintained, and our good affections cultivated in a very different mode from this. Is there no other way of securing rational and equitable policy than by discontentment, resistance and revolt? Are restraint and oppression the only highway to enlightened commercial principles, and to that security of property which is the birth-right of *every* British subject? God forbid?

I do not say that the system of monopolies, prohibitions, interdictions and restraints, which is so eloquently described and so forcibly deplored by Burke and Smith, still continues to exist in all its grim and unmitigated features—in all its tyrannical and despotick qualities—in all its envenomed and rigorous dispositions. No, certainly. We are in many respects very much the debtors of antiquity; but we owe some gratitude to modern times and modern men. We have been burdened, we have been oppressed, we have been indiscriminately restrained both in our natural faculties and in the gifts of industry and fortune. But those burdens, oppressions, and restraints, have of late been considerably lightened and slackened.

The genius of free trade, like that of liberty, has lighted on the shores of Britannia, and transplanted the genial and invigorating influence of commerce into the soil of the colonies. Canning and Huskisson are, indeed, no more ; but their glorious spirits will ever preside over the commercial destinies of this great empire and the world. The imperial statute 6 George IV. cap. 114, is of itself a splendid monument alike of their generous sentiments as men, and of their wisdom and sagacity as statesmen. This act was a great modification, if not a total abrogation of the old navigation act and its monstrous progeny of enumerated and non-enumerated restrictions on the labour, stock and produce of the colonies. By this act, and some subsequent judicious measures to which it gave rise, a wide field of industry was opened to the colonies, and a market secured for their produce, to which they had hitherto been total strangers. Many of the old and rusty chains of commerce were burst asunder ; and the colonies now feel a freedom of action and breathe in as pure an atmosphere of traffick and intercourse with mankind in general, as perhaps their circumstances and situation can admit of. But, unfortunately, the *principle* of the old restrictive system still exists. The *power* which inflicted such undeserved punishment, which entailed such unworthy hardships, which

imposed such galling servitude, on the colonies, still remains. If the spirit and desire of denying to the colonies the right of employing their stock and industry in their own way and at their own convenience, have been openly renounced—and I trust they have, and that forever—the *right* of doing so is still to the fore, and hangs over our heads like a sword suspended by a hair. In truth the right of destroying one set of laws not only implies, but evidently enough proves the power of making new ones. So that what is pulled down to-day, may again be built up to-morrow. The power that set us free one day, may enslave us the next. Though we are this year permitted to sail round the world, conferring and receiving the gifts and treasures of a free and emancipated commerce, we may the next be restricted to a peddling coasting trade, and again confined within the old parallel of Cape Finisterre. Those who are high in power and authority to-day, may be prostrated to the earth to-morrow. There is nothing stable in human affairs. The current of events is uncertain and precarious: it may flow smoothly to-day, but be agitated to-morrow; and it is sometimes as dangerous to trust ourselves to the moral and political, as to the physical elements of the world. Different interests may arise, and different views may be taken of both the colonial

and commercial policy of a great nation. Of this we have at the present moment many instances before our eyes. Why do the United States of America, and most of the nations of Europe, refuse to avail themselves of the free and liberal system of trade so long pointed out to them by Great Britain? Why? but because men and nations entertain different sentiments and adopt different principles with respect to the same question; and because what may be the policy of one country, may not be that of another, nor the measures of one generation those of a succeeding one.

And are these the varying and indefinite principles, let me ask, upon which the industry and commerce of the colonies are to be promoted and regulated? Is it upon this sandy and tottering foundation, that, that security of property which I have shewn to be their birthright as British subjects, is forever to depend? Is there no other security of property than that which flows from laws made on such various and unprincipled principles? Are the colonies, with the rights and liberties of British subjects as their undoubted inheritance, to be the sport of every wind of doctrine that is blown across the ocean? Is the property of all mankind to be guarded and protected but theirs? Is there no way of ruling men, regulating trade, and promoting industry, but by constraint and co-

ercion? If it be so, surely nothing can be more just and reasonable than to give ourselves some share in the making of such laws and in enforcing the lawful restrictions we complain of. We had rather be our own dupes than the dupes and victims of others. We would rather have a voice in the making of the laws by which we are to be governed, however ridiculous; in spoiling and confiscating our own property, however foolish and extravagant; and in idling away our time and in spending our labour on that which was vain, however injurious to our own interests or prejudicial to the rights of posterity, than be thus amenable to the whims and fancies of others. We cannot endure to be at once play-fellows and menials. It is too, too much for poor human nature. It is the last refuge of slaves.

But you will perhaps tell me, that the power of regulating the trade of the colonies—an exclusive right which the mother country has always, and, I admit, wisely, reserved to herself—is no infringement or any encroachment whatever on the sacred right of property in the colonies. No! But I reply, that it is. I reply that it is a shameful, barefaced, tyrannical, and unconstitutional intervention with, and spoliation of, our property, upon the simple principle, that, to all intents and purposes, we are British subjects, entitled as much as

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the inhabitants of the metropolitan state are, to have a voice and vote in the regulation of the sale, purchase, and transmission from place to place, as well by sea as by land, of our own property. How comes it to pass that the very act which I have just now quoted as conferring so many benefits on the colonial trade, declares, that no goods, except the produce of the fisheries in British ships, be exported from any of the British possessions in America, by sea, *from or to any place* other than the United Kingdom and its possessions, except to and from certain free ports? What these *free ports* are, where they are, and how many there are of them, I leave for the navigator and the geographer to discover. It is sufficient for my present purpose to observe, that this itself is a restrictive act; and that, with the exception of articles imported directly to the mother country, it subjects colonial produce to a more circuitous and expensive transport than the owners can well afford, if it be expected that they should compete with others in the general market of the world. And is all this no undue interference with colonial property, considering that we are neither represented in parliament, nor are our own local authorities or legislatures permitted to enact any laws whatever upon the subject? And what is colonial produce but colonial pro-

perty—the colonial property of British subjects? What is that which is created by the labour of the colonist—that by which both himself and his family live—that upon which the profit of labour depends—and that with which he so dearly purchases British manufactures, but colonial property?

Now, nothing could be more reasonable than the interference with our right of property here complained of, provided we are ourselves permitted to participate in the councils in virtue of whose laws it is done. It is but just that every civilized country should regulate its foreign and domestick trade in any way most conducive to its own interest and policy. All nations ancient and modern have assumed this right; and no country can be either free or independent without its full enjoyment. But in exercising this right—a right necessarily involving all the capital, stock, and industry of the nation—the *whole* people must be consulted, unless the government be a despotick one, where an individual prescribes laws to millions. In such an empire as ours, where there exists an equality of rights and privileges, it will not do for one part of the community to assume a sovereign power and jurisdiction over the persons and property of another. It will not do for five or six hundred individuals to prescribe laws for six times as many millions, having equal

right and authority with themselves over their own property and in the management of their own affairs. The right of general legislation is co-extensive with the empire, if the obligations of obedience and submission be equally general. If not, one portion of the people must of necessity be slaves, and the other tyrants. We can come to no other conclusion. What would Scotland and Ireland say, if their trade and commerce were regulated by parliament in the same way with those of the colonies, without the reciprocal right of representation? Would they submit to it? Are the colonies less entitled to their rights, or less able and inclined to defend them? But I do not press the question. Give us leave to represent our property, our commerce, and our trade in the imperial parliament, where they are thus regulated, governed, and restricted, and rest assured that you will no longer be molested with complaints of this nature. We shall then be our own law-givers. Whatever we do with ourselves or our property—whether we give the latter away or retain it, sell it or buy it, hoard it or squander it, will be our own act and deed: subject, perhaps, like all human conduct, to future censure and correction; but not to the most gloomy and trying of all reflections, that of being subordinate, without control, redress, or representation, to an unfeeling and indiscriminate

tyranny. Thus, I think, I have shewn that, in one respect at least, we do not enjoy that security of property which is possessed by the inhabitants of the mother country, and which is our undoubted right as British subjects. I now proceed to the consideration of another point of view, in which I hope the proposition will be made equally clear.

We all know that there are little or no *direct* taxes imposed or levied in the colonies ; and that although the colonial legislatures assume to themselves, within the limits of their several jurisdictions, all the powers of the imperial parliament with respect to money matters, yet they seldom exercise these powers, and, when they do, it is always with reluctance and in a spirit of extreme economy. How then, it will naturally be asked, do the colonies provide for, and support the expence of, their governments, of their judiciary, and the various civil establishments which must of necessity exist among them ? Whence their publick revenue ; whence those immense sums of money which many of them find it by no means an inconvenience to lay out in building publick edifices, in instituting seminaries of learning, in making and repairing highways, in cutting canals, in erecting wharve and in a variety of other expensive undertakings worthy of older countries and a more advanced stage of society ? I will tell

you. The thing is done for them. It is true that they find the money and pay it fairly and honestly out of their pockets. But the taxes which constitute their publick revenues are imposed, and they are compelled to pay them by a power many thousand miles distant. This power is the imperial parliament of Great Britain and Ireland, within the sovereign pale of which a poor colonist dare not enter without incurring the penalties of arrest and imprisonment. It is quite unnecessary to detail or recapitulate the various acts of parliament by which the colonies are taxed. They are in number innumerable; they are co-existent with the colonies themselves: and their effects are well known and severely felt in every sea and inland port throughout the British colonial dominions. Where is the colony—where is the province that is not taxed in this way? Name it, if you can. I will thank you, however clever a cosmographer you may be, to name its zone, and point me out its latitude and longitude. But should you be so idle and foolish as to attempt to indulge my curiosity, I must tell you before hand, that I fear the result will be the same as that which attended the researches of the sage antiquarian who entertained no doubt of being some day able to discover the exact situations on the map of the world of the Atlantis of Plato, the Utopia of Moore, and the

Oceana of Harrington. This right, as we shall afterwards find, the mother country has ever retained within her own grasp. I will add, wisely and politically, though neither legally nor constitutionally. For, what right has parliament, however potent and influential, to extract money out of the pockets of the inhabitants of the colonies, thereby invading their sacred right of property, while these inhabitants remain unrepresented in parliament? None whatever. And the doing so, under whatever pretence, with whatever motive, for whatever purpose, is a direct and intolerable violation of the well-established and dearly purchased principle, that, among British subjects, there can be no taxation without representation. But here I am told two things. 1. That the colonies are not *directly* taxed by the mother country. 2. That the imposts and duties of custom imposed by parliament upon goods, wares, and merchandizes landed in the colonies from all parts of the world, are mere duties imposed and levied for the regulation of trade, and placed at the entire disposal of the colonial legislatures. In confirmation of the latter position the declaratory act passed in the eighteenth year of the reign of George III., is quoted. This act declares; "That from and after the passing of this act, the king and parliament of Great Britain will not impose any duty, tax, or

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assessment whatever, payable in any of his majesty's colonies, provinces and plantations in North America or the West Indies ; except only such duties as it may be expedient to impose for the regulation of commerce ; the net produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts, or general assemblies of such colonies, provinces or plantations, are ordinarily paid and applied." Let us consider this matter for an instant. 1. If it be admitted, as, from the context, it seems here clearly to be, that the colonies are at all taxed by the imperial parliament, no matter whether directly or indirectly, it surely cannot be denied, that *something* is not withdrawn from the property of the colonists, without their consent, by an authority in which they are not recognized. Who, for instance, pays for the thousand different commodities, necessities, and luxuries of life that are brought into the ports of Halifax, St. John, Quebec and Montreal ? Is it the dealer or importer ? Not he indeed. He is far too wise to be both the seller and the purchaser of his own merchandizes. Who then, tell me ? Why, the consumers, to be sure. But who are the consumers ? The good, and loyal, and in-

dustrious inhabitants of these great and flourishing provinces. And who are they, again? **BRITISH SUBJECTS!** But you have said nothing of the *duties*, you reply; for it is the payment of them, and of them alone, that can by any possibility constitute a tax. Thou fool! Who could it be but the same individuals—the consumers; they who eat and drink, wear and tear the articles upon which these duties are imposed? Who else *could* it be? Do you not perceive that it is the consumer who not only pays the original price of the goods thus imported, but also the duties imposed upon them, and all other charges that may be incurred upon them until the moment of their consumption? If he does not, I should be glad to know who it is who is so rich and generous as to do so, considering how few can have any interest in what they neither buy, sell, nor consume, and collect together such large sums as are annually deposited in the coffers of the colonial legislatures. Is it the captain of the ship that conveys the commodities in question into port? Is it the pilot? Is it the importing and wholesale merchant? Is it the retail merchant? No, not one of them. Their several objects are directed to different views. The profits of labour and capital are their grand and peculiar concerns. They leave the ultimate costs to fall where they always do, and must fall, upon the shoul-

flourish- again? nothing payment by any ! Who the con- year and duties are you not not only thus im- on them, rred up- consump- to know to do so, interest in ume, and annually l legisla- conveys t? Is it wholesale No, not e direct- bour and concerns. ll where ne shoul-

ders of the consumer. All of them, however, may make certain advances in the first instance, because all of them must necessarily participate in the benefits arising from importation. Yet all of them are refunded by the consumer. The whole burden of the transaction, however slow in its motions, however circuitous in its course, must necessarily light upon him. He ultimately receives the imported goods, and must ultimately pay for them, whatever the charges may be. His door is the last stage of their journey, and out of his purse must the last and highest bid be paid for them. Whoever may be the producer, the manufacturer, or the importer, he is the debtor and payer of them all.

Tell me, then, if those who not only pay the original price of all goods and manufactures importéd into the colonies, but all charges duties and customs levied upon them, are not those who also pay the taxes which such duties and customs of necessity include? It is impossible that it can be otherwise. Now I care not whether this be a direct or indirect tax. I care not what name you give it. It is quite a matter of indifference to me by what dye or quality you choose to denominate it—whether black; brown or grey—hard, soft or spongy. It is all the same to me, for I know it to be a tax, I feel it to be a tax, and I pay it as a tax,

every day I rise, and every time I put my hand into my pocket to pay for the necessities of life. So does every individual in the colonies. Now, is this no infringement, is this no encroachment, upon the right and security of property which belong to every British subject? Is there nothing here withdrawn, without his consent, from the property of the colonist, the entire use and disposal of which the laws of society and of his country have alike guaranteed to him, before colonies were ever thought of or settled? Being in want of some little necessities, I go into a shop and make the best bargain I can, cheerfully paying the price agreed upon to the dealer. This is my own act, this is my own free and voluntary deed, no one forces me, no one constrains me. I give away my own property and get what I can in exchange for it. But with whom am I to bargain, with whom can I treat for the duties of custom and other similar charges included in the price of the articles I purchase, and without the payment of which they can neither be purchased nor disposed of? With the dealer? He, poor man is in the same predicament with myself. He also bought those articles under the same burden, and must of course be refunded. Neither of us have an alternative. We must either not consume taxable articles, or not deal in them. The thing was done by a

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power several thousand miles distant from us without our knowledge or consent; so we must pay the money and say no more about it for the present. But who is this power? What power on earth can compel a British subject to part with any the smallest portion of his property against his will? What man, what body of men, however constituted, can dare to do so with impunity? The sum total of the tax is small and trifling to be sure, and, perhaps, I do not feel it in its true name and character. But when was freedom and the right of property conferred on British subjects in proportion to the amount of taxes levied upon them contrary to their inclinations, and without their free consent in parliament? When did those subjects universally renounce their right to be represented in parliament? When did they transfer their right of property to that Imperial body? Is not a penny, therefore, taken from me either by force or menace as great an infringement upon my legal and constitutional rights, and as complete a deprivation of property, as if a thousand pounds or an extensive landed estate had shared the same fate? Would not the man be hanged who should do the one as well as the other? But the British parliament, the sovereign power, and great high tribunal of the empire, may do what an individual must not and ought not to do. I do

not know that. I am not aware that the power of disposing of any man's property without his consent or any part of it, has either been given to, or assumed by parliament, except in the single but wide-spread instance before us. Monarchs may have done so, but parliament never did. The same right of property cannot exist at once in parliament and in an individual, unless the individual be represented in parliament. But don't you see, I am told, that on your own shewing, parliament acts otherwise so far as respects the colonies. I have this moment admitted the fact. It is too true ; and that is what I complain of. Parliament has indeed done so ever since the settlement of the colonies, It did so in the first instance, because there existed no other authority capable of enforcing the obedience of the colonies, or of endowing them with any municipal jurisdiction. But the *continuation* of the system down to the present time, is of a more doubtful policy. If you have no respect for my arguments, be pleased to read what the immortal Burke says on the same subject. He says, and says wisely :—" In this new system a principle, of artificial commerce, most predominate. This commerce must be secured by a multitude of restraints very alien from the spirit of liberty : and a powerful authority must reside in the principal state, in order to enforce them. But

the people who are to be the subjects of these restraints are descendants of Englishmen ; and of a high and free spirit. To hold over them a government made up of nothing but restraints and penalties, and taxes in the granting of which they can have no share, will neither be wise nor long practicable. People must be governed in a manner agreeable to their temper and disposition ; and men of free character and spirit must be ruled with, at least, some condescension to this spirit and character. The British Colonist must see something which will distinguish him from the colonists of other nations."* He certainly must and certainly ought. Not, however, on principles of mere policy ; not on ideas of pure pride and overweening nationality ; not because England is a great and mighty country, possessing more numerous and extensive colonies than any other nation ; but, on the contrary, because it is the RIGHT of the British colonist to be fully as much distinguished from the colonists of other nations, as those other nations are themselves distinguished from Great Britain. That is to say, there must not exist and ought not to exist any distinction or the least shade of difference between our colonies and the mother country in any right, privilege, or franchise that is common

* Observations on a late state of the nation.

to BRITISH SUBJECTS, which we all alike are, and are all, I hope, proud of being. If the right of property, now under consideration, exists in Great Britain, it ought also to exist in the colonies. If no imposts, duties of customs, or other taxes can be levied on the people of Great Britain without their own consent in parliament, so neither ought a different line of conduct to be pursued with respect to the people of the colonies. But let us see how this matter really stands.

By reference to authorities which cannot be controverted, I have already, I think, clearly proved, that impositions on merchandize at the ports, could no more be levied by the royal prerogative, than internal taxes upon landed or moveable property. It may, however, be necessary to go a little farther into the same proof, in order to show that imposition at the ports, or what is generally denominated external taxation, is as much an encroachment upon the right of property, without the consent of parliament, as *direct* taxation itself; and that neither the King nor Parliament can in any way tax any person or property without representation in the national councils. To accomplish this, it will only be necessary to quote one passage from Hallam's Constitutional History.

In discussing the petition of right, presented

by the Commons in the shape of a declaratory statute to Charles I., that eminent author says: "It might not unreasonably be questioned whether the language of this statute were sufficiently general to comprehend duties charged on merchandise at the out ports, as well as internal taxes and exactions, especially as the former had received a sort of sanction, though justly deemed contrary to law, by the judgment of the Court of Exchequer in Bale's case. The Commons, however, were steadily determined not to desist till they should have rescued their fellow-subjects from a burden as unwarrantably imposed as those specifically enumerated in their Petition of Right. Tonnage and poundage, the customary grant of every reign, had been taken by the present King without consent of parliament; the lords having rejected, as before-mentioned, a bill that limited it to a single year. The house now prepared a bill to grant it, but purposely delayed its passing; in order to remonstrate with the King against his unconstitutional anticipation of their consent. They declared "that there ought not any imposition to be laid upon the goods of merchants, exported or imported, without common consent by act of Parliament; that tonnage and poundage, like other subsidies, sprung from the free grant of the people; that when impositions had been laid on the subjects'

goods and merchandises without authority of law, which had very seldom occurred, they had, on complaint in parliament, been forthwith relieved; except in the late king's reign, who, through evil council, had raised the rates and charges to the height at which they then were." They conclude, after repeating their declaration that the receiving of tonnage and poundage and other impositions not granted by parliament, is a breach of the fundamental liberties of this kingdom, and contrary to the late petition of right, with most humbly beseeching his majesty to forbear any further receiving of the same, and not to take it in ill part from those of his loving subjects who should refuse to make payment of any such charges without warrant of law."*

Now, all this is extremely plain and simple doctrine: nothing can be more so; nothing can be more constitutional: nothing can be in more complete and harmonious accordance with the whole course of my argument on the present subject, however feebly enforced and ineloquently expressed. If it be true, as here laid down, "that there ought not any imposition to be laid upon the goods of merchants, exported or imported, without common consent by act of parliament: and that tonnage and

* Vol. I. Cap. vii. p. 536.

poundage, *like other subsidies*, sprung from the free grant of the people ;" how cometh it to pass, that the benefits of the constitution have never been extended to British subjects in the colonies, and that they still continue to be taxed, and their rights of property sported with "*without common consent by act of parliament?*" When have the colonies been consulted with in granting the impositions laid upon their goods and merchandizes, imported and exported ? When was their consent asked to the acts of parliament imposing these heavy and extensive and numerous burdens ? NEVER ! The doctrine laid down by parliament, therefore, ought to be adhered to by parliament. It is totally unworthy of parliament to assume as its own right and privileges, an authority for which it has contended both in the cabinet and the field with tyrants and despots. It does not become parliament to assume to itself the divine-right of kings. One would suppose, that the British parliament would be the last power on earth who should arrogate to itself the *royal prerogatives* of the Stuarts. This would, indeed, be the dog returning to his vomit. Yet parliament has done so, and, what is worse, still continues to do so. It taxes the colonies without either their knowledge or consent, by imposing duties upon their imports and exports, thereby infringing upon the most sacred

rights of British subjects ; that is, the right of property : that is, the right of being represented in Parliament before they can be taxed by parliament. It is needless to attempt to put this matter in a stronger point of view.

2. But, as we have seen from the declaratory statute recited a few minutes ago, parliament has had the condescension to inform us, that, although the King and parliament will not impose any duty, tax, or assessment whatever upon the colonies, "except* only such duties as may be expedient to impose for the regulation of commerce;" yet "the net produce of such duties is to be always paid and applied to and for the use of the colony, province, or plantation, in which the same shall be respectively *levied*, in such manner as other duties collected by the authority of the respective general courts, or general assemblies of such colonies, provinces, or plantations, are ordinarily paid and applied." Now, this is a most gracious boon, a great and wonderful one certainly! Oh! ye happy colonies, why does not the sound of your tuneful hymns of joy and gratitude speed its choral course across the main, and concentrate all its force and

* This *exception* is, nevertheless a sad thing for the colonies; for it infers all kinds of duties, taxes, and assessments.

melody over the dome of St. Stephen's! What can be more worthy of your heartfelt respect and veneration than this profoundly constitutional legislative enactment! Here parliament is not only not ashamed to avow a right of intervention with your right of property, as British subjects without representation in parliament: but tells you that it has deputed another power with the privilege of disposing of as much of that property as may be conducive to the interests of trade and commerce: the trade and commerce, not altogether of the colonies, but of the mother country. But what does it signify what becomes of your property, when once you have been deprived of it without your consent? What is it to you what power or authority may have the right of appropriating and disposing of it, once it has been exacted without your approbation? It is the pretended right of depriving you of it in the first instance against your will, that you complain of; not of its ultimate distribution. It is the first act of injustice you complain of, not of the second. It is of the robbery you complain; not of the disposal of your goods and effects to third parties: for you know of no laws which make provision for reparation to the original proprietor in the case of theft. It is of the person who puts his hand into your pockets, and, in despite of you

takes away your money, that you complain; not of the same, or any other person, who may afterwards distribute it among your family, friends, or kinsfolk. It is of the first aggressor you complain. You complain that your property is not at your own disposal, or at that of some one in whom you can trust, duly and lawfully named and appointed to his office by yourselves. "What is my property," says a great philosopher, "no man ought to take from me, or to disturb me in the enjoyment of it." It is of the breach of this universal right you complain. In short, you complain of an encroachment upon your first and noblest birthright. But I trust you will not thus complain long.

Let it however be granted, for the sake of argument, that this right of intervention with and disposal of, the property of the colonists, is just, lawful, and constitutional. Let it be granted, that parliament, as it has ever assumed, is still empowered to tax the colonies in respect of their trade and commerce. Let it be granted, that the colonial legislatures, as thus empowered by parliament, has the right of paying and applying the duties and taxes so levied and imposed; and that this power is exercised by them in a wise and equitable manner; and that nothing is repugnant to the laws of Great Britain, nor detrimental to the mo-

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ther country. Let all this be granted ; and then let me ask, whether there does not remain behind a power, which, without colonial representation in parliament, is entirely without controul, and which cannot otherwise be controlled ? Let me ask, whether the king in council cannot suspend all the legislative acts of the colonial assemblies ? Nay, let me ask, whether the king in council cannot even *abrogate* such acts ? That his majesty can do both, I have only to refer for proof to the instructions and commissions of every governor in the colonies. That his majesty can do both, I have only in the next place, to refer to a report made by the lords commissioners of trade and plantations, by order of the house of commons, which in referring to colonial laws, says, " And these laws, when they have regularly passed the council and assembly of any province, and receive the Governor's assent become valid in that province, REPEALABLE, however, by his majesty in council, upon just complaint, *and do not acquire a perpetual force, unless confirmed by his majesty in council.*" And that his majesty can do so, I have only in the last place, to refer to the constitution of the Canadas, which declares ;* " That whenever any bill, which shall have been so presented for his majesty's assent to such governor, lieutenant governor, or person admin-

* 31 Geo. III. cap. 31. sec. 31.

istering the government, have been assented to in his majesty's name, such governor, lieutenant governor, or person as aforesaid, shall and he is hereby required, by the first convenient opportunity, to transmit to one of his majesty's principal Secretaries of State, an authentic copy of such Bill so assented to ; and that it shall and may be lawful, at any time within two years after such have been so received by such secretary of state, for His Majesty, his heirs and successors, by his or their orders in council, to declare his or their *disallowance* of such bill, and that such disallowance, together with a certificate, under the hand and seal of such secretary of state, testifying the day on which such bill was received, as aforesaid, being signified by such governor, lieutenant governor, or person administering the government to the legislative council and assembly of such province, or by proclamation, *shall make void and annul the same*, from and after the date of such signification." Where then I ask, is the controul upon such power as this ? Where is the check upon the annulling and making void laws at pleasure here set forth ? Nowhere, certainly, under the sun that I knew of, except in the Imperial Parliament. That parliament may enact what it pleases, and the colonial assemblies may return to us as much of our abstracted property as they think proper:

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but here is a power that defies all their best intentions. Here is a power above all parliaments and legislative assemblies. Here is a power above all laws, however wisely and politically made, however justly and prudently administered. Here is a power that sets the right of property at defiance. It not only assumes to itself the high and extraordinary prerogative of dispensing with laws in the mass, but of deliberating for two years in doing so! In the mean time colonial property which may have been the subject of these laws, has been transferred into ten thousand different hands, has flown in a hundred different channels, has travelled to Thule's utmost isle, and has traversed and re-traversed the whole habitable globe. Where are they the unfortunate British subjects, who were in the first instance illegally and unconstitutionally deprived of it, now to look for that which they have lost? Whither are they to wend their weary way in search of their lost treasure, and where are they to find it? Alas! it drifts to and fro on the wide and troubled tide of commerce, and scattered into many fragments. " 'Tis his, 'tis mine, and may be slave to thousands." It is like water spilt upon the ground that cannot be gathered up again.

Surely then, O! surely, this is not a fit condition for British subjects to be in. Surely some method ought to be adopted by which the right of property will be secured to the co-

lonies, without all this wastefulness, vexation, and uncertainty. Surely some plan might easily be formed which would entitle the colonist to be himself a consenting party to the giving away of whatever proportion of his property may be deemed essential to the preservation of the state. Surely some little controul may safely be deposited in his hands over that inordinate power, which assumes the right of indiscriminately seizing and disposing of his property. The courts of law are open to him, it is said. But where are these courts : where is this law ? Where—O ! tell me and I will thank you—where that court is situated : where that law is written, to either of which I can appeal from what has been so often termed the omnipotent power of the British parliament ? Where can I find refuge from its oppression ? Where can I in safety deposite my property from its flinty heart and griping hand ? Who will shield me from this monopoly of authority which aggrandises and ingulfs every sort of commodity, moral, physical, or political ? Go to your colonial assemblies, says the wicked genius of discord and dissension, and they will protect you. What ! have we not seen that they cannot even protect themselves ; and that their laws, however seriously and solemnly enacted, may in a moment be cancelled, and scattered to the winds, there to float like so many gossa-

mer cobwebs? Have we not seen, that these assemblies are but the mere offsprings of a day—mere corporations which owe their existence to the fiat of the king and parliament, and may in a moment be ruined and destroyed for ever by one blast of their supreme indignation? No, no; there is but one alternative, but one temple, but one asylum from the fury of that tempest which has so long and destructively raged against colonial property. It is to be united in council with the mother country, the natural guardian of all our common rights, franchises, liberties, and securities. It is to be represented in parliament. It is to be admitted into the bosom and confidence of that great superintending power, whose authority extends over the whole empire.

There is, however, a third way in which the right of property of British subjects in the colonies is rendered less secure, and in every respect less safe, than in the mother country; and which, I think, is of itself sufficient to justify the claim now set up to be represented in the imperial parliament. The whole of the internal property of the colonists, consisting of lands, capital, and labour, is taxed! At all events, if it be not *directly* taxed in substance and in name, it is taxed in such a way as to render the burden equally heavy, equally oppressive, and equally obnoxious. There is not

a packet that sails from England, no matter whether to the east or to the west, to the north or to the south, which does not convey to the colonies some royal instructions or some legislative enactment imposing constraints, changes, and innovations upon both the moveable and immoveable property of the inhabitants. Law succeeds law, order overtakes order, and one instruction follows so closely upon the heels of another, that a sort of stupid uncertainty, a kind of irksome agitation, and a fearful looking for of judgment, have completely enervated the minds and purposes of the colonists. They are thus, in a manner, rendered totally unfit for any publick or private duties. They are unmanned as it were; and are incapable of performing the parts of either patriots, statesmen, or even good members of society. What is law to-day, may not be so to-morrow. What is a rule of conduct one day, may be reversed the next, and superseded by a new one directly the reverse of it. Property held under one species of tenure to-day, may be held by quite a different one to-morrow. What was my property one day, may be yours the next. The very soil itself, and the mode of cultivating it, is made the subject of legislation; and what is turned up at one time with the plough, must in a few days perhaps be done by hand-labour. Should you employ a black man to-day, you

had better have a white one in preparation for to-morrow. The servant to-day may be master to-morrow. The freeman of to-day, may be a slave to-morrow. Things the most contrary in nature at one time, are endeavoured to be reconciled at another time; and things the most cognate placed at a distance from each other. Should you be so fortunate as to be able to have built a house this year, and lay its foundation in the ground, you may the next be obliged to pull it down, in order that its foundation may be laid in the air, and that it may be built downwards. Thus, the whole course of nature herself is reversed. We are drilled into a sort of imperial and legislative discipline, to the design of which we are as much strangers as to its principles and tacticks. We have absolutely become a sort of legal and political corps upon whom all kinds of experiments are made. Our evolutions are so numerous, our marchings and counter-marchings so incessant, and our right-about and left-about so exceedingly rapid, that I am quite sure our heads will soon become so dizzy that we can neither discern whereabouts we are, or whither we are going. Further experiments must then be tried in vain. Nothing is suffered to settle for two or three months together upon any basis. There is a levity and inconstancy in the legislation that is manufactured for us in the

mother country, which is not only afflicting and oppressive, but which appear to my humble judgment to lead to very serious and fatal results. In effect, there is no stability of property in the colonies. We sustain the miseries of a new revolution almost every day we rise. All is uncertainty, misery and confusion. Where is the landed man who is not alarmed about the fate of his estates and the crop upon them? Where is the capitalist who does not every moment tremble for the safety of his all? And where is the slave holder, who, every night he goes to bed, is not afraid, that before morning his throat will be cut? How shocking, how awful, how horrible a state of existence for British subjects! The measures which engender such a state of things in the colonies, cannot possibly proceed from any fixed maxim or principle of good government. It is contrary to all reasonable expectation, that a system so irregular and capricious should long endure, or be attended by one beneficial result to either the mother country or the colonies themselves.

Such a state of things must necessarily be founded in the grossest and most profligate ignorance. It shews in as clear a light as it is possible to conceive it, the folly and danger of persisting to legislate for a people at a distance, without either the knowledge, the presence, or the approbation of such a people. It confounds

every principle of justice and equity, and renders law itself the compleatest mockery imaginable. British subjects, all over the world, *must* be permitted to legislate for themselves. Being masters of their own actions, they are alone the best judges of their own necessities. It is fully as absurd, if not fully as illegal and unconstitutional, in the British Parliament to pretend to make good law for the colonies, and govern them by that wise and enlightened policy which is the birthright of British subjects, without the aid and sanction of these colonies themselves, as it would be in the colonies to attempt to legislate for the mother country. Just equally so. It cannot for a moment be supposed, that a gentleman sitting in his arm-chair in Downing street can be better acquainted with the circumstances, or more thoroughly master of all the publick and private affairs of the landholder, the merchant, and the tradesman in Jamaica, Canada, or India, than those individuals themselves. It cannot for a moment be believed, that, however mentally gifted he may be, however physically far-sighted, he is a better judge than they are of the sort of laws that are best calculated to secure their rights of person and property as British subjects, and impart vigour and stability to their industry and publick institutions. This legislating in the dark must therefore be given up.

This wholesale manufactory of indiscriminate and contradictory legislation must be pulled down. Its productions do not suit the colonial market. They are ill-assorted. Some of them are too old-fashioned, and some of them too new. Some of the articles are too strong and others too weak. Most of them will never serve any good or lasting purpose in the colonies. Our climate is quite unsuitable to almost all of them. They are out of all symmetrical proportion; and are entirely destitute of that simplicity and elegance which ought to characterize them. The joints and grooves of some of them are too large, and of others too small. In short, their whole machinery is so complicated and unwieldy, that they can never be erected with any the least prospect of permanent use or steady operation. Either their exportation must be discontinued, or we must ourselves be consulted with respect to their construction, their castings and mouldings. We are the only true judges of the necessary materials and of the real dimensions. It is a hard thing to clog and glut our markets with goods that we do not want, and have never ordered. It is still harder to be obliged to make use of productions we do not approve of, and in the manufacture of which we have never been consulted. Either Mahomet must go to the mountain, or the mountain must come to Mahomet. That will be the end of it.

But, notwithstanding all this round of ignorance, inconsistency, uncertainty and inefficiency of legislation for the colonies: notwithstanding its general and uncontrollable grievances; and the burdens and restraints which it imposes and entails upon colonial property, it is lamentable to think, that for more direct, and far more grievous *taxes* are laid upon the same property by the Imperial Parliament, without the assent or consent of the owning sufferers. All Hindostan is directly, and, I fear, irretrievably taxed. Money is immediately levied from the people, and produce extracted from the soil. The enjoyment of property is inseparable from a responsibility for a certain amount of public revenue. The office of the tax-gatherer, is an office established by law; and the payment of rents and customs due to the state, is enforced under the penalty of disinherison and captivity. The security of property solely depends upon the punctuality with which public burdens are paid; and it certainly would be no *new* thing to hear of a whole province of that ill-fated country being set up to publick auction to pay the national dues. But this is a civil disorder too melancholy and revolting to be dwelt upon. This is paying rather too high a price for the privilege of being a British subject. The soil, industry, capital and labour of the North-American pro-

vinces, are interfered with by parliament in every point and on every hand. They pay a land tax, a timber tax, and a corn tax, just on the system of the ancient aliens double duties; and we are every day stunned with the noise of crown duties, casual and territorial revenue, about the origin and application of which we are as ignorant and are as little consulted, as are the savages who hunt in our forests. Truly this is in every respect a very unpleasant reflection, in connexion with our sublime ideas of the rights of British subjects! And in what strain am I to speak of the West India Islands? That indeed at the present time is a delicate subject. Nevertheless it must be touched upon. The whole world is ringing with the complaints and grievances of that unfortunate portion of the colonial empire. The inhabitants of that rich and beautiful Archipelago, as if nature were not already at sufficient enmity with them, are not only threatened with a perpetual deprivation of that labour which alone constitutes and maintains their whole property, but are likely to be involved in a *bellum servile*, and inundated by a torrent of the commingled blood of slaves and freemen. This is a horrid prospect! A word or too with regard to it.

Every one knows that labour is the foundation of property, as property is that of govern-

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ment and laws. These are maxims which cannot be controverted. It is plain therefore, that without labour no property could exist of sufficient value to justify the protection of law. However small in amount, property can only be acquired by labour. Property in a cluster of wild grapes can only be established by a certain degree of labour. By labour only can the beasts of the field be insnared, and the fishes of the flood caught. By labour, and hard and toilsome labour alone, can the ground be cultivated so as to produce food for man. It is more particularly in this species of labour that the right of property is founded. Besides, in every stage and state of society labour, wherever it is exerted, founds a right of property. In short, it is the *only* original way of acquiring property. "The annual labour of every nation," says Adam Smith, "is the fund which originally supplies it with all the necessities and conveniences of life which it annually consumes, and which consists always either in the immediate produce of that labour, or in what is purchased with that produce from other nations. The real price of every thing, what every thing really costs to the man who wants to acquire it, is the toil and trouble of acquiring it. What every thing is really worth to the man who has acquired it, and who wants to dispose of it or exchange it for something else, is the toil and

trouble which it can save to himself, and which it can impose upon other people. What is bought with money or with goods is purchased by labour, as much as what we acquire by the toil of our own body. That money or those goods may indeed save us this toil. They contain the value of a certain quantity of labour which we exchange for what is supposed at the time to contain the value of an equal quantity. Labour was the first price, the original purchase-money that was paid for all things. It was not by gold or by silver, but by labour, that all the wealth of the world was originally purchased, and its value, to those who possess it, and who want to exchange it for some new productions, is precisely equal to the quantity of labour which it can enable them to purchase or command." Thus we see, that labour is a commodity, and, as such, as much an article of trade as a hogshead of sugar, a puncheon of rum, or a bale of cotton; nay, as much so as a landed estate. Like these we find it every day in market, and rising or falling in price according to the demand. In fact, whatever shape property of any denomination may assume, its intrinsic value depends upon, and can only be ascertained by, the quantity of labour which produced it. So that, in the end labour itself becomes property; and is as much entitled to the protection and guardianship of the state, as

the most cultivated orchard, the most splendid palace, or the most sacred temple. The right of property, as it *ought* to be enjoyed by every British subject, I have already explained. It is twofold, natural and municipal ; and must extend to all the lawful actions of individuals, as well as to their possessions. It must therefore necessarily include the *instrumentum vocale*, the *semivocale*, and the *instrumentum mutum*, or the means, the instruments, and the stocking by which and with which the labour is produced and its effects preserved ; for it is manifest that without this protection and security, industry would completely fail, and property of every description must cease to have any real or useful existence. Labour would then indeed be labour in vain, and the portion of the idle and the dissolute would be as abundant and secure as that of the individual who should fulfil the first law of nature, and earn his bread by the sweat of his brow,

But it is said, that the labour, which constitutes and preserves the property of British subjects in the West Indian islands, is performed by slaves. Alas ! the fact is not less true than lamentable. O slavery, indeed, is a galling yoke, and the most cruel species of bondage. It is the greatest and the foulest blot on the comparatively fair map of humanity. It has ever been, and still continues to be, the tortu-

ous link which enchains mankind to the powers
 of darkness. It is alike the untimely offspring
 of lust, the intemperate child of dissension, and
 the wild, and naked, haggard progeny of
 boisterous war. It is, a prodigious monster be-
 gotten by the furies, and emanating from the
 deepest and darkest recesses of hell. Ever
 since it lighted on this orb, it has continued to
 blight, to wither, and pollute it. It spares no
 country ; it spares no clime ; it respects no sex.
 It contaminates every soil ; it empoisons every
 atmosphere ; and embitters every draught and
 morsel of the sustenance of life. The most ro-
 bust and the fairest forms of creation are
 alike its victims. It mocks hope itself, and re-
 vels in despair. It contemns both natural and
 revealed religion, and laughs morality to scorn.
 Its haunts are infamy, and its abode desola-
 tion. Its recreations are amidst blood and ra-
 pine ; and its musick are the crackling of
 whips, and the clanking of chains. O ! it is a
 great, and an awful, and a terrible, and a ma-
 lignant, and an inexpiable sin in the face of
 high heaven ! It is an enormous blasphemy
 against the God of truth and nature ! May the
 wrath of His indignation be poured upon it. May
 the lightning of that great God speedily descend
 upon it and blast it : may the slime of its reptile
 traces no where be found : may its dark and
 fiendish visage forever disappear from among

men and christians : and may the black and bloody pages of its history, its revolting and harrowing details, be forever blotted out by the fiat of THE ALMIGHTY !

Yet, notwithstanding this picture so replete with human woe and misery ; notwithstanding the horror with which every well-regulated mind must behold slavery in the abstract, and the expectation which is so generally entertained, that the time is not far distant when the brand of perpetual servitude of one man to another shall be seen and heard of no more—when the wailings of the poor negro shall no longer resound through the land of *freemen*,—it must be admitted that the labour of slaves, as it exists in our West Indian colonies, is not only as much the property of the planter as his houses, lands, and tenements, but that it absolutely forms a part of the civil constitution of the empire. It is now upwards of two hundred years since slavery existed in the British colonies. It is now upwards of two centuries since a traffick in human flesh was carried on by British subjects with as little shrinking from the shame and recoiling from the guilt, as is now experienced by drovers and graziers with respect to sheep and black cattle. By what authority was impunity guaranteed to a traffick so nefarious, so brutal in its course, and demoralizing in its consequences ? Were human depravity and the lust of wealth the sole causes

of its continuation down to a very late period, as well as of its origin? Not they indeed. A nation famed for morality, gloated on the ungodly treasures which it poured into its unsatiable lap: a nation renowned for humanity, winked at the savage cruelty which attended it: a nation famed for deeds of arms, and proud of its exploits by sea and land, condescended to uphold this loathsome commerce as a nursery for its prowess; and a nation envied throughout the world for the justice and equity of its laws, promoted and secured it by legislative enactments! Yes, to use the words of a late number of a distinguished periodical,* “the colonists have invariably stated, *and we do not see how the statement can either be denied or resisted*, that they and their ancestors have been encouraged, by a series of acts of parliament as explicit as any which have ever received the sanction of the legislature, to lay out vast sums of money in the purchase and improvement of slaves and land in the West Indies, and they cannot, without a flagrant breach of faith, be deprived of this property unless they receive compensation.” To whom, then, of the present generation, can we attach blame for creating and perpetuating property at such a remote period, no matter how inhu-

* Quarterly Review, No. 89, p. 214.

man and unhallowed the means of doing so may have been? Are we, of the present time, to be blamed, because our fathers, our grandfathers, and great-grandfathers happened to be slave-dealers and negro-drivers? Are we to blame, if, in consequence of being so, they have acquired property and transmitted it to their posterity under the sanction of laws made and passed by that very same power which now threatens to destroy us? Are we to suffer because our fathers were industrious, and availed themselves of the common privileges of their country? Are we to be robbed of property lawfully and constitutionally inherited, without either our own consent, or any compensation for tamely submitting to such unheard of deprivation? If we do, what is this but visiting the iniquities of the fathers upon their children to the third and fourth generation? What is this but punishing the innocent for the guilty, if crimes committed under the auspices of acts of parliament can by any possibility constitute an offence? But is property in slaves and the labour of slaves, after having been handed down for centuries from father to son, and from seller to purchaser, the only species of property whose fate is to depend upon the means of acquiring it? Is destruction to be its lot, because its origin may have been iniquitous? Is there no intermediate purgato-

ry in which it can be purified, and saved from ultimate perdition? We have all heard of such things as Roman, Saxon, and Norman conquests. We have heard, too, of the destruction of temples and palaces, and the confiscation of extensive landed estates with the sole view of gorging lust and avarice, folly and extravagance. We have also heard of the murder and banishment of the original owners and occupiers of all those temples, palaces, and estates, and of their division among the fierce and ravenous minions and parasites of a base and profligate court—the abandoned courtizans, and spurious offspring of a cruel and despotick tyrant. “The lion having sucked the blood of his prey, threw the offal carcase to the jackalls in waiting.” And is it to be endured that property, which has been acquired by such monstrous means as these, is to remain undisturbed in its everlasting integrity, while that established by commercial industry fostered in all its ramifications by the state itself, is threatened to be torn up by the roots, and scattered like dust before the wind? Is it to be endured that property acquired in such a way as this, is, from age to age, to enjoy an uniform channel of succession, and be moreover emblazoned with titles of honour and hereditary rank, while that of the colonial planters, who have committed no crime but the assumption of the

rights of their predecessors as British subjects, is menaced with confiscation and utter ruin? Is there more virtue in wax and parchment, than in an act of the British parliament? Are the wearers of coronets the only persons to whose property the protection of the laws is to be extended? Is the Herald Office the only depository of charters and other evidents of property? Is Garter King at Arms the only sovereign capable of affording security to the just rights of British subjects? I mean no disrespect to persons or institutions. I am incapable of insulting rank or despising distinction. I cannot contemn what I know to be both useful and ornamental to society, as well as necessary to the state. Such is neither my disposition nor principles. On the contrary, I would do all in my power to maintain them in all their just splendour and dignity, influence and integrity. But surely, as I have repeatedly observed, there ought to exist no distinction whatever in the rights of British subjects, either of person or property. Nor can I perceive why any of the rights of the West Indian colonist should for an instant be placed in a worse condition than those of the highest and most potent nobleman of the land; or exposed to any sort of injury or oppression, while he is denied the privilege of being represented in those national councils which now so wantonly and unwarrantably annoy him.

That the West Indian planters, therefore, are entitled to the property constituted by the labour of their slaves, is undoubted. Without this labour their landed estates, or plantations, would be altogether worthless; and the abolition of the one would be the total ruin and destruction of the other. It was in this view that this species of labour was originally created and guaranteed by law to the colonists. Certainly one law may revoke and annul another; but surely that law cannot be just or reasonable which, without the consent of the owner, would at the same time destroy the property secured to us in perpetuity by such law. The imagination of man has never conceived any thing more completely at variance with the principles both of morality and justice, than the intervention of parliament with the property of British subjects, no matter what its nature may be, without, at least, the representation of those subjects in that parliament. I have already shewn how contrary it is to the spirit, and even the letter, of our constitution of government. And with regard to the *legal* right of the planters to the perpetual service of their slaves, Blackstone informs us, "that a slave or negro, the instant he lands in England, becomes a freeman; that is, the law will protect him in the enjoyment of his person, and his property. Yet, with regard to any right

which the master may have *lawfully* acquired to the *perpetual service* of John or Thomas, *this will remain exactly in the same state as before.*"* Now, will any body, of the least pretensions to a knowledge of acts of parliament and history, pretend to say that the planters in the West Indies did not *lawfully* acquire a right to the perpetual services of their slaves? If not, why all this outcry against them? What have they done but avail themselves of privileges common to us all? Are they then to be denounced and proscribed for merely defending their consequent right of property? I hope not. The planters, then, and not their slaves, are the labourers in the eye of the law. The labour which creates and preserves their property is alone their own; and should it unfortunately be destroyed, the loss will be their's, and their's alone. Let the disgrace and infamy lie where they ought. Even moralists are not silent on such a subject as this; and they go so far as to say, that nothing can generate greater dissatisfaction and indignation than an interference with the fruits of a man's industry. They say that it produces a variety of sentiments: a dissatisfaction that the labourer does not enjoy that reward to which his industry entitled him: a dissatisfaction that an-

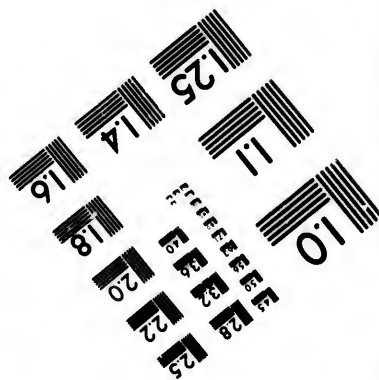
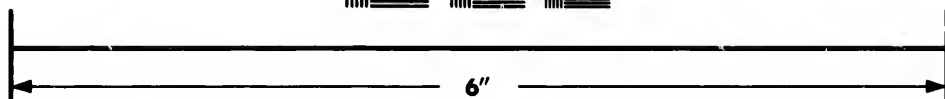
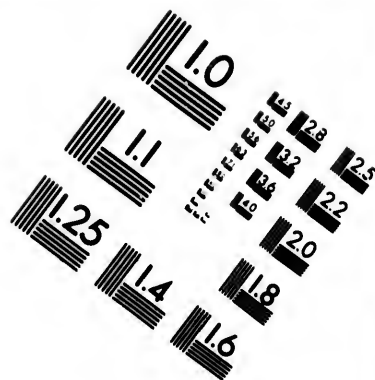
* Book i. C. xiv.

other person, *who did not labour*, should acquire the possession of an object of labour: and an indignation against the man who deprived the labour of his just reward. This sentiment, "that the labourer deserves the fruit of his own labour," is the chief, the only foundation of the sense of property. An attempt to deprive him of it is a species of injustice which rouses the indignation of every impartial spectator; and so deeply are these principles implanted in our nature, that we cannot help feeling some degree of remorse when we deprive even a hive of bees of that provision which they had industriously collected for their own use.* But what is the provision of a hive of bees, either in a moral or political point of view, in comparison with the vast mass of national capital invested in the West Indian colonies? That capital amounts to £130,000,000! The number of slaves in those colonies amounts to at least 700,000; and if each slave be estimated as worth £100, which is no unreasonable estimate, the whole value of slaves, or rather the labour of those slaves, will at least be worth £70,000,000. But what would become of the land without the labour in question; seeing on all hands, that it is such labour alone which

* *Vide*, Dugald Stewart's Philosophy of the active and moral powers of man,

gives any the smallest value to land? It must, of course, be equal in value to the slaves: and if so, the whole amount of property, belonging to British subjects in the West Indies alone, which is daily interfered with by parliament, and now threatened to be destroyed without either the consent of these subjects themselves, or the prospect of any compensation whatever, will, on the most moderate calculation, reach to ONE HUNDRED AND FORTY MILLIONS OF POUNDS STERLING! Have the colonists no cause of alarm then? Have they no property at stake? Are they, or are they not British subjects? If they are not, why, the sooner their property is resigned to the elements, and themselves to the assassin and the murderer, the better. But, if they are, in the sacred and awful name of the God of mercy, be merciful unto them. They have some little claim upon your generosity and humanity, if not to your protection. They *once* had rights, as British subjects, both natural and constitutional. Not knowing by what laws or by what authority they have been deprived of such rights—not knowing by what crime they have forfeited them,—they still think they ought to enjoy them, and are determined to defend themselves against their usurpation by any power or body of men whatsoever. O! then beware what you do. Reflect deeply, seriously, and





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devoutly, on the present situation of our fellow-subjects in the colonies. Remember, O ! timely remember, that we are all brethren—the children of the same national family—the subjects of the same crown—the heirs of the same constitution—the objects of the equal protection of our laws—the inheritors of **BRITISH FREEDOM**—and the undistinguished claimants of **BRITISH JUSTICE**. Stretch to us, ere it be too late, the right hand of fellowship ; introduce us into your councils ; admit us into your confidence, especially when all we possess on earth is endangered, and all will yet be well. We shall then indeed be one people, with common rights, common privileges, common laws, and common interests. “Entreat me not to leave thee, or to return from following after thee : for whither thou goest, I will go ; and where thou lodgest, I will lodge : thy people shall be my people, and thy God my God !”

Thus, then, we find that the property of British subjects in the colonies is bound down and surrounded with a treble chain of taxation, both direct and indirect. Restrictions upon our trade and commerce forms the first head of complaint. Direct imposts upon our importations forms the second ; and immediate interference with our labour, industry and capital, constitutes the third. So, that, properly speak-

ing, we are left in the peaceable and undisturbed possession of nothing which we can fairly call our own. What the amount of property may be, which is thus subjected to the power of a parliament in which it has never been represented, it is very difficult to calculate ; but it requires no great exertion of the mind to suppose, that it is at least equal in value to the sum of the capital invested in the lands and commerce of the colonies. However, in order that we may not altogether remain in the dark with respect to a point of so much importance, I shall in this place copy a passage from the *Quarterly Review* of April, 1831 ; which will enable us to form some opinion of the extent of the power claimed over us, and the magnitude of the sacrifice which we annually make to the Imperial Parliament and the mother country, without being either consulted or advised.

“ We now come,” says the *Quarterly Review*, “ to certain restraints and imposts which the mother-country has laid upon the colonies for the extension of its own trade, the partial or total abolition of which, if it should be thought expedient, would greatly diminish the heavy expenditure to which the colonists are now subject. Such of our readers as wish to obtain full information respecting the nature of these restrictions, and the annual additional expense to which they are supposed to put the colonists,

we beg leave to refer to a collection of statements, calculations and explanations, lately submitted to the Board of Trade by the West India Committee, and printed by order of the House of Commons.* As want of space and the fear of becoming tedious prevent us from inserting them at large in this place, we shall subjoin the recapitulation of them which has been drawn up by the committee.

Recapitulation of Restrictions on Colonial Trade.

Fish :		
From Newfoundland		
enhancement of cost	Digest vi.	£75,544
From Great Britain,		
ditto.	Digest vii.	68,668
American Supplies :		
Enhancement in cost	Digest ix.	86,677
in freights	Digest x.	94,801
Restrictions and disadvantages in sale	Digest xi.	187,576
<hr/>		
Total enhancement in the cost of		
American or Transatlantic articles, caused by the restrictive system		£513,266
British Manufactures :		
Enhancement in cost	Digest xiii.	372,575
<hr/>		

Freights :

Enhancement in, to and from Europe Digest xiv.	438,274
On surplus produce Digest xv.	75,550
	<hr/> 513,824
	<hr/>
	1,399,665
Deduct net revenue derived by the colonists in diminution of the ag- gregate amount of these several restrictions, Digest viii.	7,312
	<hr/> £1,392,353

“ We are not quite sure that we fully under-stand all the items contained in the preceding recapitulation, but we believe that, in forming an estimate prospectively of the loss which the colonies sustain under this head, the sums con- tained under Nos. 9, 10, and 11 of the digest, and forming together an aggregate of 369,054*l.* ought in consequence of the renewal of the intercourse between the colonies and the United States, to be deducted from £1,392,353—the sum total shown by the preceding recapitulation ; and a sum of £75,340 16*s.* 10*d.* ought to be added, being the amount of certain annual duties col- lected in the West India colonies, in 1828, on the importation of various articles from the United States—the expense of collecting which

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£75,544
68,668
86,677
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£513,266
372,575

duties, however, it well deserves attention, comes to no less than £68,028 15s. or within £7312 1s. 10d. of the whole sum collected. When these corrections have been made, there will still remain the sum of £1,098,639 16s. 10d. said to be annually drawn from the colonies, in addition to the enormous duties which are levied on rum and sugar. On the whole of this statement we shall only observe, that, if it should be true that the colonies have for so many years submitted to this heavy loss for the direct and indirect advantage of the mother country, we do not see how she can refuse, in the day of their distress, either to abandon the restrictions altogether, or to grant to the colonists an adequate compensation."

There is another alternative, in the adjustment of this important question, which the learned and intelligent Reviewer might have noticed. I mean the alternative of representation; without which any interference with colonial property by parliament, or the disposal of a single farthing's worth of it for any purpose whatever, I maintain not only to be unconstitutional and a direct breach upon the birthrights of British subjects, but an absolute publick robbery. No compensation whatever can justify an act of illegal oppression. But if it could, what right, I should be glad to know, has parliament to dispose of one particle of co-

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lonial property without the consent *in parlia-
 ment* of the owners? If it has become absolute-
 ly necessary that colonial property should thus
 on every side be interfered with, one would
 naturally suppose, that the first thing to be done
 would be to obtain for the colonies some fair
 and constitutional opportunity of being heard in
 self-defence. And what could possibly be more
 so than the representation now sought for?
 Then, *and not till then*, might the subject of
 compensation be mooted. Deprivation is one
 thing: compensation another. You cannot, on
 any sound principles of reason or justice, be at
 once the spoliator and the judge of the amount
 of an adequate remuneration for a loss caused
 by your own illegal deeds. That would be to
 endow you with a power totally incompatible
 with both our natural and constitutional rights.
 You must therefore concede to us our first re-
 quest, before we can admit your right of inter-
 vention as to what ought to be considered a fair
 compensation for the destruction of any part of
 our property. In short, representation in par-
 liament is the *right* of every British subject
 who holds British property; and when any part
 of such property is attempted to be disposed of
 by the state, the admission of this right of re-
 presentation ought to be made a *sine qua non*.
 Without granting this as a preliminary com-

pact, the treaty must altogether cease, and the parties must abide by their extreme rights.

*** I must again trouble the reader on the subject of my *third* Chapter. In a note at the foot of pp. 60 and 61, he will find a statement of the number of passages made by two regular traders from Greenock to Quebec during last summer, or rather the season of our navigation, which generally commences towards the end of April, and closes in the middle of November. In that statement will be found a blank for the date of the arrival of these vessels in Greenock, after the performance of their sixth trip. So far as regards the *Sophia* the reader will please to fill up this blank with the "16th December." The same vessel after remaining in Greenock for fourteen days, made a seventh trip, during the same year, to New-York, where she arrived on or about the 5th of February, (for I cannot discover the day to a certainty.) The reader will then be pleased to peruse the following paragraph, taken from the Montreal Gazette of the 13th of February 1832.

"It will be perceived by the leading paragraph, that our regular trader, the *Sophia*, has arrived at New-York from Greenock. She is now commanded by Capt. Easton, Capt. Neill having remained at Greenock, we understand, to superintend the building of a very superior new ship intended for this trade, and which he is to command. The *Sophia*, we have heard, is to be in future a regular trader between London and this port. The promptitude of the owners of the *Sophia*, in sending her to New-York, is particularly worthy of notice. She was only a fortnight in Greenock harbour, after reaching it from Quebec, having arrived on the 16th December. When the *Sophia*

again reaches *Britain*, which it is probable she will do by the end of March, she will have made eight trips across the *Atlantic* in the course of a single twelvemonth. We may remind our friends at a distance, that she was the first to attempt making three complete voyages between *Grecnock* and *Quebec*, in which both she and the *Cherub* succeeded this season."

Should *Writs* be issued, the Colonies will now take upon themselves the responsibility of returning them in proper time. It may be presumption to attempt to combat with the elements; but it does not seem altogether unreasonable to expect that they may be *propitiated*.

CHAPTER VI.

The Constitutional right of the Colonies to Representation in the Imperial Parliament.

The object of this final chapter of the present work, which I shall endeavour to confine within as narrow bounds as possible, is to draw a faint sketch of the rise, progress, and ultimate results of the Constitutional or Legislative power of the Imperial Parliament over the colonies; and thence deduce, by one or two short observations, the still farther *right* of the colonies to the representation which they now claim.

If it could be said, that the inauspicious reign of James I. of England embraced any event more memorable than another, it must certainly be the establishment of the colonies in America; an event which, when we reflect on the benefits that have already arisen to mankind from it, and look forward to the extraordinary influence which it is yet likely to have on human affairs, has no parallel in the history of the world. From the peaceful yet despotic reign of this monarch, to the turbulent and no less

tyrannical sway of the puritan republick, the colonies were governed and their affairs exclusively managed by the Sovereign. He assumed the prerogative of granting or refusing, at pleasure, permission to his subjects to emigrate. His charters and letters patent could alone form a colony, and establish a system of laws for its welfare and government. His grants were the only legal title to the lands; and his commissions the only administrative authority. These sovereign indefeasible rights appear to have derived their origin from the idea that no power but that of a king alone could be exercised over the subject; especially over subjects who had transported themselves beyond the known ancient boundaries of the realm. Nor, until a period comparatively recent, did the colonists themselves seriously demur to these pretensions to purely monarchical government; and we find that no sooner had the first body of English colonists settled themselves, in 1621, at New Plymouth, than, by a formal instrument, they declared themselves subjects of the crown of England, and solemnly engaged themselves to an absolute submission to such laws and rules as should be established for the good of the colony. I have in the immediate preceding chapter shewn somewhat more at large the manner in which our kings enforced their power over the colonies to the entire ex-

clusion of parliament, and traced the first attempts made by the latter to obtain a constitutional share in a government in which, if it must at all be exercised, they ought undoubtedly from the first to have participated. It becomes necessary, however, in this place, to go considerably more into detail, in order to put the reader in possession of as complete a view as possible of the illimitable legislative power claimed by parliament over the colonies: a power not only unconstitutional, but utterly insupportable, without the reciprocal right of representation.

It is somewhat extraordinary, that the *first* as well as the *last general* exercise of the powers of parliament over the colonies, was the enactment of a law declaratory of those powers. Indeed there is little or no difference in the expressions made use of in these notable first and last acts; and, at a distance of a century and a quarter, and after the loss of by far the most valuable portion of the colonies, the doctrine of a constitutional parliament, evidently appears to have been founded on that of an anti-monarchical and republican one! Among the first acts of the latter, upon their rupture with the king, was an ordinance establishing the authority of the mother country over the colonies. It declares, "that in Virginia, and the Islands of Barbadoes, Antigua, Saint

Christopher, Nevis, Montserrat, Bermudas, and divers other islands and *places in America*, there have been and are colonies and plantations which were planted at the cost, and settled by the people, and by the authority of this nation, which are and ought to be **SUBORDINATE** to, and **DEPENDENT** upon, England; and have, ever since the planting thereof, been, and ought to be, **SUBJECT** to such laws, orders and regulations, as are or shall be made by the **PARLIAMENT OF ENGLAND.**" In order that no time might be lost in ratifying, by an overt act of legislation, this new and unbounded authority, the same parliament, composed by lords and commons only, in 1643, raised the duty upon plantation tobacco to 4d. per pound; although in the following year they reduced it to 8d. per pound, custom and excise together; "they finding," as the ordinance expresses it, "that the duty of 4d. had somewhat intermitted the trade in that commodity," We have already seen,* that, during the same year, an ordinance was passed, making the earl of Warwick governor in chief and lord high admiral of those islands and other plantations, inhabited, planted, or belonging to any, his majesty's the king of England's subjects, within the bounds, and upon the coasts of America; and

* Chap. V. p. 152.

that, at the same time, a committee was appointed, for regulating the plantations. We have also seen* that the powers which the king formerly exercised over the colonies, were revoked, and that the same powers were lodged in the new council of state. Thus, the sovereignty of parliament was rendered thenceforth plenary.

The next ordinance passed by the lords and commons was in 1646 ; and as it is universally admitted to have formed the foundation of our celebrated navigation laws, it may not be uninteresting to copy it at length. It recites " that whereas several plantations of Virginia, Bermudas, Barbadoes, and other places of America, have been *much* beneficial to this kingdom, by the increase of navigation, and of the customs arising from the commodities of the growth of those plantations imported into this kingdom ; and as goods and necessaries carried thither from hence have not hitherto paid any custom, for the better carrying on of the said plantations, it is now ordained by the lords and commons in parliament, that all merchandize, goods, and necessaries, for the supportation, use, and expense of the said plantations, shall pay no custom or duty for the same, the duty

* Chap. V. p. 153.

of excise only excepted for three years to come, except to the plantations in Newfoundland: security being given here, and certificates from thence, that the said goods be really exported thither, and for the only use of the said plantations: provided always, that none in any of the ports of the said plantations do suffer any ship or vessel to lade any goods of the growth of the plantations, and carry them to foreign parts, except in English bottoms, under forfeiture of the before-named exemption from customs." Such are the first rude outlines of what has been termed the commercial pædium of Britain. It is a singular fact, but not the less true, that it is to the spirit of commercial monopoly which pervades the above ordinance, that the aborigines of North America owe, (if they owe any thing to civilization,) the efforts which began to be made towards the middle of the seventeenth century, to civilize and christianize them; the people of England becoming extremely jealous of the benefits reported to have been derived by the *trade* of France from the indefatigable exertions of the Canadian missionaries. In this view, the rump parliament, in 1649, erected a corporation for propagating the gospel amongst the Indians. By an act of the same session of parliament, collections were made throughout England, by which the corporation was enabled to purchase

an estate of £600 per annum. It may be added, that, at the restoration, this institution was established on a more legal and permanent basis ; the famous Boyle becoming its first president, I trust its *moral* effects have far surpassed the original motives for its establishment, as no principles seem to be more at variance with each other than those of an aggrandizing commerce and an enlightened and philosophical code of mental instruction. In 1650, the colonies of Virginia, Barbadoes, Antigua, and Bermudas, having with some reason exhibited strong symptoms of a disinclination to submit to the new order of things in England, the rump parliament prohibited all correspondence with them, unless by special leave from the council of state. The same ordinance granted permission to all merchant-ships, as well as national ships of war, to seize on the ships and merchandize of those, who were then stiled *rebellious* inhabitants. Many *disaffected* royalists, to make use of the words of the ordinance, having resorted to the colonies in foreign ships, a clause was inserted for prohibiting, under forfeiture of ships and goods, any foreigners from resorting to, or trading thither, without a licence, on any pretext whatever. During the succeeding year, 1651, the rump parliament, (I hope the frequent repetition of the appellation will give no offence,) passed

the first *act of navigation*. The object of this law, which was the precursor of the great navigation act of Charles II., was the advancement at once of our shipping, commerce and plantations. It being observed that, for several years, the English merchants were in the habit of employing Dutch shipping for carrying home their merchandize, in consequence of their freight being at a much lower rate than that of English vessels: that Dutch shipping were made use of for importing American produce, whilst our own shipping lay rotting in our harbours: and that our sailors, for want of employment at home, transferred their services to foreign countries, the parliament therefore wisely enacted, that no merchandize, either of Asia, Africa, or America, including also our own plantations there, should be imported into England in any but English-built ships, and belonging either to English or to English-plantation subjects, navigated also by English commanders, and three-fourths of the sailors Englishmen: excepting, however, such merchandize as should be imported directly from the original place of its growth or manufacture in Europe solely. This was certainly a great act of restraint upon the trade and natural freedom of the colonies; but our great naval and commercial rivals at that time, the Dutch, were the greatest sufferers: so much so, that this act

occasioned a war between the two republics, which has been compared to that between Rome and Carthage.

I now approach the period of the restoration of the monarchy; when, a better order of things rendering it impossible that the sovereignty of the colonies should be deposited in the hands of either branch of the legislature to the exclusion of the other, the various rights of the governing powers of the empire were united, and the constitution once more restored to its just equilibrium. Here again a new course of legislation for the colonies commenced, which has not yet terminated, and which is likely not to terminate until either there shall be no colonies to legislate for, or until their just claims to representation in parliament be fairly admitted and freely granted. It aimed at three different objects—the regulation of the general trade of the colonies, the limitation of their internal rights, privileges and property, and the direct imposition of taxes. Let us now attend to a few of its details.

The first act passed after the restoration in which the colonies were interested, was the famous *navigation act*, which at once confirmed and enlarged the provisions of all preceding acts of a similar tendency. Its avowed object was the general encouragement and increase of shipping and navigation; “wherein,” says

the preamble, "under the good providence and protection of God, the wealth, safety, and strength of this kingdom are so much concerned." In as far as the colonies were concerned, it declares, that no goods or commodities whatsoever shall be imported into, or exported from, any of the king's lands, islands, plantations, or territories, in Asia, Africa, or America, in any other than English, Irish, or plantation-built ships, and whereof the master, and at least three-fourths of the mariners shall be Englishmen, under forfeiture of ship and goods: that none but natural-born subjects, or naturalized, shall henceforth exercise the occupation of a merchant or factor in those places, under forfeiture of goods and chattels: that no goods of the growth, product, or manufacture, of Asia, Africa, or America, shall be imported into England, but in such ships as do truly belong to English people, either here or in the king's lands or plantations in those parts, and navigated as above: and that no sugar, tobacco, cotton-wool, indigo, ginger, fustic, or other dying woods of the growth or manufacture of our Asian, African, or American colonies, shall be shipped from the said colonies to any place but to England, Ireland, or to some other of his majesty's said plantations, there to be landed; under forfeiture as before. Such are a few of the provisions of an act, which Sir

Josiah Child has not unreasonably dignified with the title of our *charta maritima*. In 1692, a new charter having been granted to Massachusetts, and the colonial legislature being highly indignant at some of its clauses, they passed an act, denying in the boldest and strongest terms the right of any authority but that of the general court to impose any tax whatever upon the colony. This example was followed by the legislature of New-York, who declared that, not only in matters of taxation, but of general legislation, its own authority was supreme and exclusive. This roused the resentment of the mother country against the colonies; and, in 1696, parliament passed a law, declaring, "that all laws, by-laws, usages, and customs, which shall be in practice in any of the plantations, repugnant to any law made, or to be made, in this kingdom relative to the said plantations, shall be void and of none effect." Not long afterwards an act was passed for the trial of pirates in the colonies, into which the following clause was inserted, and which stretches the power of parliament over the colonics, as far as it can possibly be carried:—"Be it further declared, that if any of the governors, or any person or persons in authority there, shall refuse to yield obedience to this act, such refusal is hereby declared to be a forfeiture of all and every the charters grant-

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ed for the government and propriety of such plantations." It was during this same year, 1696, that the board of foreign commerce and plantations was appointed. Among other powers vested in this board, it was authorized—to inquire into the condition of the plantations, as well with regard to the administration of government there, as in relation to commerce, and how those colonies might be rendered most beneficial to this kingdom: to inquire what naval stores might be furnished from the plantations, and how the same might be best procured: to prepare instructions for governors, and to take an account of their administrations: to examine the journals of the councils, and the acts or laws made by the respective general assemblies, in order to his majesty's approbation or disallowance thereof: to require an account of all monies given by the assemblies for public uses, and how the same was expended: and to make representations and reports to his majesty, or the privy council, in writing, as there should be occasion. It was also during this same year, that parliament, in order to prevent frauds and abuses in the plantation trade, enacted, that all vessels trading to or from our Asian, African and American, plantations or settlements, should be English, Irish, or plantation, built; and that their cargoes should be either English, Irish, or plantation property, and registered

as such." And reciting that the *North-American* colonies were of late become of much greater importance to England than formerly, it was further enacted, " that no charter-proprietors of lands on the continent of America should sell or otherwise dispose of their lands to any but natural-born subjects, without the king's licence in council for that purpose." Three years afterwards the severe penalties of £500 and the forfeiture of ship and cargo, were inflicted on those who should carry wool or woollen manufactures of the plantations in America, by land or water, to any place out of the king's dominions.

In 1703, however, we stumble upon an act of a more beneficial tendency. But its original object must be admitted to have been to aggrandize the mother country rather than the colonies; who, I am sorry to say, appear at all times to have been estimated by parliament more in the light of a temporary *convenience*, to use a vulgar term, than as a great national treasury of wealth, commerce, and political importance. The tar company of Sweden having absolutely refused to let England have any pitch or tar, although ready money was always paid for it, unless permitted to be carried by Swedish shipping, and at their own price, the first act was passed for the encouraging the importation of naval stores from the plantations, and certain bounties granted, if

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imported in ships navigated according to law. An undeviating adherence to the principles of this prudent enactment, would at all times render England totally independent of her northern neighbours as far as respects naval stores. But this is not the place to reason on such matters. By another act, passed the same year, £10,000, were voted for the employment of skilful persons, and furnishing materials for effectually carrying on the design of raising naval stores in the plantations; and, by a third act, a penalty of £100 was inflicted on any person cutting down white or other pine trees of certain dimensions in the plantations. The provisions of this last act were enlarged in 1710; and the surveyor-general was authorized to mark with a broad arrow all such trees as were fit for the royal navy, and keep a register of the same.

There cannot be a greater proof of the jealousy entertained by England of the progress of our colonial manufacture, than an act passed, in 1732, with respect to hats. Finding that a great quantity of hats had been manufactured in the northern plantations, and thence exported to foreign markets, it was enacted that no hats or felts whatever should be exported from any of the plantations to foreign parts, nor be loaden on any horse, cart, or other carriage, with that intent, under forfeiture thereof, and of £500 for every such offence, and aiders and abettors, therein forfei-

ted £40; and custom-house officers, permitting entries of such hats to be made, forfeited their office and £500. None were permitted to make hats in the colonies, but such as had served an apprenticeship thereto of seven years; and no master could have at any time above two apprentices, nor employ any negro in that manufacture. Strange legislation; but still more strange and unconstitutional intervention with the rights of private property! But this is not all. In 1741, parliament finding, that the continental colonies of America proposed to set up a bank on land security, they were immediately visited with a "*Whereas,*" and told that "the presuming to act as a corporate body, or to make transfers or assignments of shares, without legal authority, or the pretending to act under any charter formerly granted from the crown for any particular or special purposes therein expressed, by persons endeavouring to make use of such charter for any such other purpose not thereby intended, and all acting under such obsolete charter herein described, should be deemed to be publick nuisances, and to be prosecuted accordingly, as by the statute of the 16th year of king Richard II.* And whereas doubts

* I have not been able to ascertain what the provisions of this ancient statute are, unless they have reference to the disputes between Richard and the City of London, the magistrates of which he deprived of their offices, and the city of its privileges.

have arisen whether that act does extend to his majesty's dominions in America," it was, in the next reign enacted, that the above act "and every part thereof shall extend to *British America*, and the contraveners shall be liable to the like fines, punishments, &c. to be tried in the king's courts in America." In 1750, an act was passed to encourage the importation of pig and bar iron from the American colonies, and to prevent the erection of any mill, or other engine, for slitting or rolling iron, or any plating forge to work with a tilt hammer, or any furnace for making steel, in any of the said colonies. In 1762, an act was passed establishing a tariff of regulated prices, which were fixed as the standard of the trading intercourse between the white people and the Indians. In 1764, an act was passed declaring it just and necessary that a revenue should be raised in his majesty's dominion in America, for defraying the expenses of defending, protecting, and securing the same; and it was resolved by the commons of *Great Britain* in parliament assembled to give several rates and duties on certain goods landed in *America*.

But here I must pause. I find myself suddenly standing on the summit of a vast and rugged precipice whose altitude makes me dizzy:—

" In dim eclipse disastrous twilight sheds
On half the nations ; and with fear of change
Perplexes monarchs."

In endeavouring to penetrate the abyss beneath me, I can discern nothing but a dismal scene of wide spread confusion. I behold a venerable, but proud and excited parent with the chain of oppression in one hand, and the scourge of authority in the other, inflicting the penalties of disobedience upon the offspring of his own loins. I behold, on the other hand, a goodly array of ardent and youthful spirits, boiling with indignation and resentment against their parent for attempting to impose restraints and burdens upon their native energies, which they can neither bear, nor believe they are bound to submit to, and aiming their swords at the heart of their afflicted but stern progenitor. It does not seem possible that either party can be appeased. All the elements of social and inglorious strife seem to be thickening fast around them both; and O! I now distinctly hear the clash of arms. I behold the son contending in deadly conflict with the father, and brother with brother, and their kindred blood commingling on the plains of their common country. I behold the survivors withdrawing in separate directions from the polluted scene, and a great and powerful nation arise which knows no master. O may

the world never again witness so melancholy, yet so splendid a tragedy ; and may the sons and the councils of Britain for ever eschew a fate so disastrous !

For this and other obvious reasons I shall not enter into a detail of those unhappy measures on the part of parliament which engendered the American revolution, and gave independence to a people who, with regard to intelligence and national enterprise, seem destined to be our greatest and most enduring rivals. In addition to the measures which I have already, and I fear too long, dwelt upon, I shall therefore merely recapitulate the list which governor Pownall gives to us of those parliamentary enactments which *he* esteemed as justifying a well grounded claim to colonial representation. They are as follows:—

“ I. The navigation act, the sugar and other acts for regulating and restraining the trade of the colonies.”

“ II. Also Acts, 1. altering the nature of colonial estates, by treating real estates as chattels. 2. Restraining them from manufactures. 3. Regulating their money. 4. Altering the nature of evidence in the courts of common law, by making an affidavit of a debt before the lord mayor of London, &c. certifying in writing, or evidence in their courts in America. 5. Dissolving Indentures by discharging such of their servants as should enlist the king's service.

“ III. Also Acts, fixing a tax upon American sailors, payable to the Greenwich Hospital. 2. Likewise imposing taxes by the several duties payable on sundry goods, if intended as materials of trade to be paid *within the province*, or colony, *before* they can be put on board for exportation. 3. Also, the revenue arising from the *duties* payable on the postage of letters. 4. Also, the tax of quartering soldiers and supplying them in their quarters. Lastly, *establishing* the claim which Great Britain makes, of taxing the colonies in all cases whatsoever, by enacting the claim into a declared right, by act of Parliament.”

Here then my historical sketch terminates. It would be a very easy matter to sum up the whole with the opinions and sentiments of the greatest men that ever lived on earth, all of which go to confirm the undoubted power of Parliament in every case over the colonies. But I will not travel out of the record. I do not think it necessary to call in any extra-judicial aid to my assistance. There can be no higher authority than the written law of the land ; and it is therefore quite unnecessary to appeal to any other.

It is very true, that some of the acts above recited and referred to, have been directly repealed, and that a variety of unforeseen circumstances have rendered others quite nugatory. But the far-famed *declaratory act* is

still in force. And let us suppose, that, with the solitary exception of the all-powerful enactment last mentioned, the whole of the rest have been abrogated, and all traces of them for ever effaced from the records and journals of parliament,—what can be said either in justification or mitigation of the act in question, when we consider the total want of any counteracting power on the part of the colonies? But it may be necessary to become somewhat better acquainted with the spirit and tenour of this celebrated colonial constitutional law. It is the 6 Geo. III. c. 12.

The preamble sets forth, “ that several of the houses of representatives in His Majesty’s colonies in America had of late, against the laws, claimed to themselves, or to the general assemblies of the same, the sole and exclusive right of imposing duties and taxes on His Majesty’s subjects in the said colonies, and have passed certain votes, resolutions and orders, derogatory to the authority of parliament, inconsistent with the dependency of the said colonies upon the crown of Great Britain ; it is therefore *declared*, that the said colonies have been, are, and of right ought to be subordinate unto and dependent on the imperial crown and parliament of Great Britain ; *and that the king and parliament of Great Britain had, hath, and of right ought to have full power and authority to make laws and sta-*

tutes of sufficient force to bind the colonies, and His Majesty's subjects in them IN ALL CASES WHATSOEVER.

“ And it is further declared, that all resolutions, votes, orders and proceedings in any of the said colonies, whereby the power and authority of the king, lords and commons of Great Britain, in parliament assembled, is denied, or drawn into question, are and are hereby declared to be utterly null and void to all intents and purposes whatsoever.”

This is indeed transcendent authority. Well may it be denominated the *omnipotent* power of parliament, for it is boundless. It is as high as heaven and as deep as hell. It extends over sea and land, rivers and mountains. Nothing can withstand it: no force can resist it. It embraces the whole rights and privileges, the whole property and industry—even the whole thoughts and actions of the colonists. You may talk of the divine right of kings; but what is it in comparison to this tremendous, this awful, this gigantick, this irresistible power! It can make and unmake laws at pleasure. It can build up and destroy at pleasure. It can enfranchise or enslave us at will. It may at one time raise us to the skies in the scale of moral beings, and at another trample upon us in the dust. It may in moment, and for ever, cut us off from the rights, privileges, and franchises of British

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subjects, a title of which we are too proud to be willing to part with. Our local systems of government, which have almost grown grey under the auspices and protection of the mother country, it may annihilate in an instant. Our courts of justice it may abolish. TRIAL BY JURY it may overthrow. In short, the whole colonial empire, from east to west and from north to south, has no existence but in its pleasure; and one blast of its indignation may dissolve into a thousand fragments this vast, valuable, and populous domain, "and leave not e'en a wreck behind." Permit me to ask then, whether any thing can be more reasonable than granting to the colonies, in return for this unbounded authority over them, some corresponding power, some reciprocal check, some medium through which their sentiments might be made known, some means of self-defence, before they be visited with the vials of the wrath of this incomprehensible and illimitable legislative jurisdiction? The glorious Divinity Himself has condescended to confer a Mediator upon fallen and corrupted mankind. And shall the supreme legislature of an earthly state not endeavour to copy so sublime an example before presuming to dispose at pleasaue of all we possess and all we enjoy? Nay, our very laws have declared, that no man can be condemned unheard. And shall the power which made these laws—the power

which, of all others, ought to be the first and foremost in guarding their purity and superintending their impartial administration, be the first to encroach upon them and set them at naught? Are the colonists and their subordinate colonial legislatures, where these last exist, to be the *only* portion of the British empire which is to be utterly excluded from all participation in the great metropolitan councils of the nation? Are they to be denounced to all eternity? Can the virtues of a reform bill not be extended to them; and can no Peers be made to constitute a majority for its enactment into a law? Have I not proved that we are BRITISH SUBJECTS, equal in our rights with the inhabitants of the mother country? Why then persist in denying to us the full and free enjoyment of these rights, especially the first and most important of them—the privilege of being represented in a parliament which claims the power of exercising unlimited authority over us? Why *delay* a boon that *must* be ultimately granted. Why longer tamper with our feelings, our sentiments and our passions? Do you doubt our loyalty? If you do, you must admit that the denial of our rights is not the way to reclaim either our esteem or affections. We are no prude; but we entertain a proper and manly respect for justice, honour, and every national virtue. We deny not the rights of others; neither shall we

be backward in claiming and insisting upon our own. It is therefore not in the nature of things, that the powers vested in parliament by the declaratory act can much longer exist, or be submitted to by the colonies without some reciprocal privilege. The extension of this very power over the colonies pre-supposes the enjoyment of all the rights and liberties of the realm: for it is impossible that power on one side can be rendered compatible with passive and implicit submission on the other. This indeed would be unqualified tyranny.

In conclusion, I claim for the British colonies an acknowledgment of their rights as British subjects. I claim for the British colonies direct and uncontrouled representation in the Imperial Parliament. I claim for the British Colonies a close, speedy, and permanent union with the mother country. We are the sons of the same nation. Let us ever continue to be the subjects of the same King. There is but one alternative—**IMMEDIATE UNION or SPEEDY DISSOLUTION.**

FINIS.

APPENDIX.

APPENDIX.



COLONIAL REPRESENTATION.

House of Commons, August 16, 1831.

ON the motion for going into a Committee upon the Reform Bill.

Mr. HUME rose to submit an important motion to the House, connected with the measure. Every one was aware of the great importance of the colonial interests; and those who were acquainted with the nature, extent, population, and wealth of the colonies, naturally inquired whether they were not entitled to Representatives in Parliament. The population of British India amounted to eighty or ninety millions of souls, and its wealth and commerce were infinite. There were besides thirty-four colonies, including the Canadas, containing a large population and most extensive resources. He asked the House why so important a portion of the King's dominions as the colonies—important both as regards their population and their riches—should not come within the reach of so important a change as that now contemplated in the constitution of that House? It was a clear proposition, as he conceived, that every British interest ought to be represented in that House, according to its population and property, and why were not the colonies to be put in a situation in which they might participate in the power conceded to other portions of his Majesty's dominions? By the common law of the land, every Englishman who expatriated himself to one of the colonies of this country, carried with him all the rights and privileges of an English-

man, subject only to the changes which the local circumstances of the colony in which he resided rendered necessary. The internal regulations of the colonies were placed under the control of the King in Council, until the colonies assumed such a position as to enable the inhabitants to manage their own affairs. The House, however, had never divested itself of the right to manage the external interests even of those colonies which had Local Legislatures, or to regulate their commercial arrangements, either with the mother state or with other countries. Every person was aware of the immense importance of the colonies, which naturally divided themselves into distinct classes. The British possessions in India formed one peculiar class, held under a peculiar tenure: the second class consisted of the Crown Colonies, under the government of the King in Council, and having no local legislature; and the third and most important class consisted of those colonies which had a Legislative Assembly for their internal government and the management of their own affairs. He begged the House to keep in mind the distinction which he drew between those separate classes of colonies, as the proposition he was about to submit was in some degree governed by the distinction. He conceived that the Crown colonies should have the same privileges as other colonies, and have Assemblies to legislate for their internal regulation. It was sufficient for him now to state, however, that this privilege was denied to nine colonies which were known as the Crown colonies. Upper and Lower Canada, however, and fourteen of the West India Islands, had Legislative Assemblies to tax and regulate those colonies. This then was an obvious distinction, and one on which depended the difference he proposed to make in the extent of representation. He proposed to give a more extensive representation to those colonies which had no local Legislatures, but were governed by the King in Council: and at the same time he did not intend that the colonies which

had Local Legislatures should be wholly unrepresented in the imperial Parliament. By the Stat. 18th Geo. III. chap. 12. the British Legislature was prevented from interfering with the internal affairs of the colonies which obtained local Legislatures, but power was reserved by the same Act to the Legislature of Great Britain to make such regulations as it should deem expedient with regard to the commerce of the colonies, however much those regulations might affect the interest of one or all the colonies. It was therefore, in the power of the British Legislature to reduce any one or all of the colonies to beggary, or greatly to promote their prosperity—a power of immense importance to the whole of the colonial interests.—What he now proposed was, to give the colonies a partial representation—such a representation as would place a person in that House capable of stating the grievances and want of each particular colony, and on giving information on questions which perhaps affected the existence of them, as colonies of this country. In looking to the state of misgovernment into which the colonies had fallen, more appeared to have taken place from the ignorance of the House and the country, as to the real interests of the colonies, than from any design to pass laws which would produce evil consequences—(hear, hear) It was important that the House should be placed in a situation in which the best information might be obtained with regard to the colonies, if it were only to avoid the recurrence of those evils which the British Legislature had before inadvertently and unadvisedly fallen into. He conceived that such an alteration would place England in a much better relative situation as regarded its colonies. Twenty-five millions were now paid annually by this country for the support of its civil and military establishments (putting out of view the sum paid for the interest and management of the debt;) and of that enormous sum raised out of the taxes of this country, how large a portion arose from the expenses entailed on the country by its colonies? either as regarded the financial view which the ques-

tion presented, or the rights of the colonists as English subjects, he submitted that this subject was most important, and deserving of the most serious consideration. Hitherto a large portion of British subjects resident in the colonies were deprived of any legitimate mode of laying their wants and wishes before that House. It was true some Gentlemen connected with the colonies found their way into the House. But one of the greatest and most striking objections to the Reform Bill had been that, when it came into operation, the same means would not exist for enabling Gentlemen connected with the colonies to obtain seats; and a large portion, if not the whole, of the colonies would be left without any legitimate mode of conveying their wishes or wants to the Imperial legislature—(Hear, from the Opposition.) He (Mr. H.) did not mean to say that, even after the Bill came into operation, some Gentlemen connected with the colonies might not obtain seats for populous places in the United Kingdom, but that was a very different thing from having a Member for each of the colonies, or a number of the colonies united, who would sit as the representative of the colonial population, and be ready at all times to state the wishes of his constituents, and suggest any propositions which he deemed calculated to increase the wealth and happiness of that colony with which he was connected. With a view of preventing the evils which would arise from a great increase of the number of Representatives, he proposed to limit the number to the lowest extent, by which the purposes of representation would be fairly answered. He did not wish to add to the present number of Representatives, but, according to the plan proposed by Ministers, there would be 52 Members fewer than there were at present. The number he proposed to add to the House for the Colonies would make little difference in the relative proportion of the numbers. Members who looked at different interests with a partial eye would probably take a different view of the subject from that which he (Mr. H.) did. Some

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Gentlemen may conceive that British India should be con- sidered above all things, and others would prefer the in- terests of the West India Colonies; whilst some would advocate the claims of Ceylon, or the Cape of Good Hope, and consider them paramount. He begged to be under- stood not as proposing what was free from all objection, but only as approximating to what he believed would give satisfaction. It would be obvious to every one who heard him, that, to make the colonies really useful to the mother country, they should be on the best possible terms; the colonies should derive some advantage from the mother country, all reasonable ground for complaint should be removed, and they should be treated in every respect as adopted children—(cheers.) If this system of policy was pursued it would render the colonies tenfold more valua- ble, and they would feel more satisfied with their situation, even where the policy of the mother country obliged her to limit the means of their prosperity. However anxious Gentlemen might be to preserve the relative proportion of Members between England, Ireland and Scotland, he was sure none would be so niggardly as to say that a few Mem- bers for the Colonies would derange the proportion to an injurious degree; more especially as the three countries were equally benefited by the colonies. His proposal was that the colonies should be represented in that House by nineteen Members, which he proposed to divide in this way:—

	Members.
British India.....	4
The Crown Colonies.....	8
British America.....	3
The West India Colonies.....	5
The Islands of Jersey, Guernsey, Alderney and Sark.....	1
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Total.....	19
The four Members for India he proposed should be re-	

turned in this way. Calcutta, the capital of the Presidency of Bengal, in which there was a King's Court established, and which had a large population within certain limits, he proposed should return one Member; Madras, in the same way, he proposed should have its interests represented by one Member; Bombay should also return one Member; and Singapore, Malacca and Prince of Wales Island, united, would return a Member, making four Members in the whole for British India. The next branch was the Crown colonies. That portion of his Majesty's dominions was governed in a very different manner from the British possessions in India. The Indian possessions were under the East India Company, and the Board of Control—a compound kind of authority which exhibited an anomaly not existing in any other part of the world. The Crown colonies had no legislative assembly as he before stated, but were governed by the King in Council, under Governors appointed by the Crown. The eight Members for the Crown colonies he intended should be divided as follows:—

	Member,
For Trinidad and St. Lucia.....	1
Demerara, Essequibo, and Berbice.....	1
Ceylon.....	1
The Mauritius.....	1
The Cape of Good Hope.....	1
Malta.....	1
Australia.....	1

—(a laugh.) Gentlemen might laugh at Australia having a representative in that house; but he (Mr. H.) could show that there were more British subjects in Australia than in twenty of the boroughs they proposed should retain Members—(hear, hear.) To Gibraltar he also proposed to give a Member, which would make eight Members for what were called the Crown colonies. With respect to British North America, he proposed that—

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Upper Canada should return.....	1
Lower Canada.....	1
And Nova Scotia, New Brunswick, Prince Edward's Island, Newfoundland, and the Bermudas, united.....	1

Total number of Members for British North
America..... 3

With respect to the West Indies, he proposed to give to
Member,

Jamaica.....	1
Barbadoes, Grenada, St. Vincent, and Tobago	1
Montserrat, St. Nevis, St. Kitt's, and Tortola	1

In all..... 3

which he submitted was as small a number as could possibly be given to the West India Colonies—(hear, hear.)—There was another group of Islands under the British government and influence, and lying contiguous to our own shores, the inhabitants of which, although British subjects, had always been treated as foreigners—he alluded to the islands of Jersey, Guernsey, Alderney, and Sark, which had no representative assemblies, but were governed by the King in Council. To this group of islands he proposed to give one representative; and if this was done he thought the population of those islands might feel they were Englishmen, what it was not possible they could have heretofore done—(hear, hear.) He felt that nineteen Members was a large number to propose to add at once to the representative body in that House; but when Members looked to the magnitude of the interests those Members were to represent, he hoped they would not consider that he proposed too much. From returns which he held in his hand, as to the population and trade of the colonies, he would state some details on which his plan of colonial representation was in a great degree founded;

British North America contained nine hundred and eleven thousand inhabitants, of which two hundred and twenty nine thousand were freemen." At present the exports from the British North American colonies exceeded two million five hundred thousand pounds per annum—(hear,) and the imports were upwards of one million one hundred thousand pounds. From this statement the House would see the importance of those colonies—(hear, hear.) The next class to which he should refer was the West India Colonies, and his return included three or four of the Crown colonies. In those colonies there was a population of one hundred and thirty five thousand freemen, consisting of whites and people of colour, and six hundred and ninety four thousand slaves—altogether eight hundred and twenty nine thousand persons. The annual value of the exports from those colonies was five million five hundred thousand pounds, and the imports amounted to nine million pounds and upwards. Gibraltar, Malta, the Cape of Good Hope and Australia, contained one million three hundred and seventy three thousand inhabitants; and the number of ships employed, and the imports and exports, were proportionate to the population. It was not necessary, perhaps, to enter into any details to show the importance of British India, as every man must be aware of it. To satisfy the House, however, that the distribution of Members, of the four Members he proposed should be allotted to India, was not unfair, he should read a statement which he had procured. He could have wished it was more correct, but it was the most correct he could obtain. Calcutta, which it was proposed should send one Member, contained twelve hundred Englishmen within the limits of what is called the Ditch (exclusive of the King's troops) and there were one thousand eight hundred Europeans outside of it—altogether there were three thousand Europeans in Calcutta; twenty thousand British Indian freemen, the children of British parents (thirteen thousand of these were in Calcutta, and seven

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thousand in the provinces); and there were two hundred and sixty-five thousand natives in the town, and three hundred and sixty thousand in the villages. Total in Calcutta, twenty-three thousand whites and persons of colour, and six hundred and twenty-five thousand natives. To this vast population it was proposed to give only one representative, but that representative would, at all events, be capable of giving the House information on every subject connected with this vast population, and of showing how their interests would be effected by any measure proposed. Madras, to which it was also proposed to give one Member, had a population of two hundred whites, seven, or eight thousand freemen and people of colour, and four hundred and sixty three thousand natives. In Bombay there are three hundred whites, and one hundred and sixty two thousand natives; and in Singapore, Malacca and Prince of Wales Island, there were fifty seven whites, and one hundred and fifty two thousand natives. For the whole British India he proposed only four Representatives. The next consideration was, the mode in which it was proposed that those representatives should be elected. The House would recollect that five years ago an Act was passed by the British Legislature for the purpose of giving natives, and foreigners resident in India, the right of sitting on Juries in the King's Courts. It was left to the Judges of the Supreme Courts however, to point out the qualification of those who should serve on Juries. Now what he (Mr. H.) meant to propose was, that every man entitled to set upon Juries in India, should also be entitled to vote for a representative. There was a constituency therefore ready prepared; and what made it better, it was not prepared for this occasion, but for other purposes. With respect to Singapore, Malacca, and Prince Edward's Island, where no such constituency at present existed, he could see no difficulty whatever in extending the regulation which prevailed in the other places in India, which he proposed should return members, to those three places, and thus es-

tablishing a constituency equally unexceptionable. There was no difficulty, therefore, as regarded British India, in finding a proper constituency to return its four members. As to the millions of Upper India, he had only a word to say. He did not think that there should be a different system of Government for them, but he proposed only to take it in the Presidences existing under the British laws, being unwilling to mix up with the representation the vast extent of Interior India. He was also free to say that he considered the member to whom the suffrage was given in Calcutta would be a sufficient security that the interest of all the other places not included within the Presidences would be in some degree attended to—[hear, hear.] He had done with British India, and should now enter upon the subject of the Crown colonies, which was the next important branch. Trinidad he proposed to unite with St. Lucia. Trinidad contained four thousand white men, and sixteen thousand free blacks, in all twenty thousand freemen, and forty four thousand slaves. St. Lucia contained nine hundred and seventy two whites, three thousand seven hundred and eighteen free blacks, and thirteen thousand slaves, altogether, in round numbers, a population of eighteen thousand. The united population of the two Islands was eighty thousand. The exports exceeded four hundred thousand pounds, and the imports eight hundred thousand pounds. Demerara, Essiquibo, and Berbice contained three thousand five hundred whites, seven thousand five hundred free blacks, and ninety thousand slaves—altogether a population of one hundred and one thousand. Ceylon contained six thousand four hundred and fifteen Europeans and ninety thousand six hundred native freemen. The Mauritius contained eight thousand eight hundred whites, and had a total population of one hundred and one thousand. The Cape of Good Hope had a population of five thousand whites, thirty seven thousand free persons of colour, and one hundred and twenty nine thousand natives. Malta contains a population of one hundred and nineteen thousand

freemen, and New South Wales had a population of thirty thousand three hundred and fifty one freemen, who ought to have many of the privileges of British subjects which they had not. Gibraltar contained seventeen thousand freemen, and though a military station, as it carried on an important trade, was the entrepôt to Spain, and the key to the Mediterranean, he thought it ought to have Representatives. Under all the circumstances he did not think it too much to propose that there should be eight representatives for the whole of what were called crown colonies. As to the manner in which the Members for those colonies were to be chosen, he admitted there was more difficulty than in the case of British India. Taking Ceylon, for instance, however, it appeared that Sir Alex. Johnston, when he was in that colony, extended to the natives the right of sitting on Juries. Now if men were entitled to sit on Juries, and to determine on a matter so important as the life or death of a fellow creature, he contended that they could not be considered as unworthy to give a vote for a representative for the colonies. In all the Crown colonies he believed that the qualification might be fixed without any great difficulty. From inquiry he had made, he had ascertained that there would be no difficulty whatever with respect to Trinidad, nor indeed as to any one of the Crown colonies. Regulations might be easily devised to prevent mischief, and to establish an excellent constituency. The next was a most important class, and for their sakes, as well as for the sakes of the mother country, he hoped, and particularly so at the present important crisis of these colonies, that they would be allowed representatives--he alluded to the West India Islands. He proposed to arrange these islands in certain classes, and give to each class a representative. He classed Jamaica and the Bahama Islands together, which contained a population of thirty thousand whites, and thirty seven thousand free persons of colour--in all sixty seven thousand. To these he thought it was not

too much to give one member. The following Islands were comprised in the second class--viz :--

	Whites.	Free men of colour.
Barbadoes	14,959	5,000
St. Vincent's	1,300	2,000
Grenada	500	575
Tobago	322	1,114

making altogether a population of thirty thousand persons :--viz. seventeen thousand whites, and thirteen thousand persons of colour. The next class contained

	Whites.	Free men of colour.
Dominica	840	5,600
Montserrat	550	840
Nevis	—	—
St. Kitt's	1,412	300
Tortola	477	1,286
Antigua	1,980	3,895

And to these islands he also proposed to give one representative. The Bermudas he proposed to join to Nova Scotia. The mode of election was the next point, and on this head he saw little or no difficulty, as the inhabitants already possessed the power of electing persons to manage the internal affairs of the respective islands. Jamaica then, with the Bahamas, was to return one Member to be chosen by all the free inhabitants who had at present a vote in the appointment of office-bearers. The other islands he would propose, should each choose a delegate in the same way as the districts of the Scotch burghs at present, and these delegates were to elect the representative ; and if there should be a contested election, and the number equal, the returning island was to decide—(a laugh.) He had chosen that classification because it had been the circuits of the Judges. The shipping of these islands amounted altogether to about one hundred and sixty-two

thousand tons. Their exports were four million pounds, and their imports six millions. The truth was, if the Government hoped to keep British America, they must resort to some such measure as that he proposed ; for this he was convinced, was the only way to put an end to the bickerings which were constantly going on, and to attach the colonies to the mother country. He had a petition, signed by ten thousand persons of the Canadas, complaining of grievances ; and, if they had representatives, such a petition, he believed, never would have been called for. To the Canadas, with the adjoining islands, he proposed to give three members. To Lower Canada, which contained a population of four hundred and twenty-three thousand, he would give one member ; to Upper Canada, which contained, according to returns on the table, one hundred and eighty-nine thousand inhabitants, but according to recent information, two hundred and sixty-five thousand, he would also give one ; and to New Brunswick, Nova Scotia, Prince Edward's Island, Newfoundland, and Bermudas, with a population of three hundred thousand persons, he would give a third member. The mode of election was to be the same as that he proposed for the West India Islands. Upper and Lower Canada should return one member each ; and the islands should choose delegates to elect the representative. One point yet remained, and that was how were they to find their way to the House.--(Laughter.) He had three ways in view, and he would leave it to the House to select that which they thought the best. The first was that they should be elected for three years, and hold their seats for that period, whether there was a new Parliament or not. The second was that the sitting Member should continue to hold his seat till the return of the writ was made to the new Parliament.--(Laughter.) He did not consider such a topic a subject for laughter. The ex-Secretary of the Admiralty may laugh ; but--(Mr Croker--I did not laugh.) It was possible there was errors in his calcu-

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lations; but he thought that it could not be denied that, considering the distance of the places and the complicity of the details, he might be excused for making some errors. The third plan was that, on the commencement of a new Parliament, no Member should sit till the new Members were returned to the House. There could be no great evil in that, because they could be returned for the West Indies in six months, and for British India in a year. He thanked the House for the attention they had paid to him. The subject was one of great importance; and he thought colonies, in order to be of service to the mother country, ought to be placed in a situation which would induce them to co-operate with it. If the subject were submitted to a Committee, he was quite sure they would find no difficulty in preparing a Bill which would meet with the general views of the country, and afford means to the colonies of laying their grievances before the House. One objection to the measure was, that the colonies already had legislative bodies of their own selection; but it ought to be remembered that these legislative assemblies could legislate only on internal affairs, while the most important part of the business was that legislation which applied to their commerce, and which was made by the mother country without their interference. For these reasons, he thought they were entitled to representation. He had no intention, however, of dividing the House on the question. All he wanted was to lay the details before the House, and leave them for future consideration and discussion. The Hon. Member concluded by moving "That it be an instruction to the Committee to make a provision for the return to this House of members to represent certain colonies and foreign possessions of his Majesty."

Mr. LABOUCHERE said the subject introduced by the Hon. Member was one of great importance, but, nevertheless, he saw the greatest objection to it. His Hon. friend was not right in saying that it was a new measure, because it had already been discussed, and Burke said, in

answer to the plan, that it was impossible, from the natural position of the colonies, *prohibuit natura*—it was impossible for Members returned for places at such a distance to attend to their duties in that House—(hear, hear.) Difficulties, he believed, would meet them at every turn on that important subject, and they could not at the same time do the duty as Members of a British House of Commons and as Representatives of the colonies. These twenty Members would form a little knot in the House, combining to carry their own points, and indifferent as to others. They would be at the command of the Minister of the day, and would enter into a compact that, provided he would favour the interests of the colonies, they would support him in every other. The only remedy he thought was, the appointment of colonial agents, who could communicate freely with Government, and lay before them the grievances of their respective colonies. So far from wishing the House to interfere with the internal concerns of the colonies, he would say that the great misfortune was, they had interfered too much, though often with the best intention, for Parliament, as had been well observed though it was said to be omnipotent, was not omniscient. It had been argued that in a reformed Parliament the colonies would not find persons to represent them at present. In that apprehension he did not share. He had no apprehension that in a reformed Parliament less attention would be paid to the colonies than now; but, on the contrary, was convinced that so long as the best of the English nation was to be found in Parliament, the colonies would always find men of great intelligence and talents to advocate their cause—(hear, hear.) Some Hon. Members had proposed that the fundholders should be represented, and this proposition he thought much more feasible than the other. Indeed he thought that great body ought to have some one to represent their interests. If ten or twelve great bankers, or persons connected with the funds, were returned for that purpose, he was convin-

ced that they could not only attend to that important subject, but also to the interests of the colonies.

Mr. K. DOUGLAS said he would not follow the Hon. Member into the details of the measure, but he must say it was one of great importance to the colonies: and he thought that if such an important change in the representation was to be made, the colonies had a right to a share. The Hon. Member for Middlesex had done right in bringing forward the measure, which, in his opinion, was very deserving the attention of Government. An opinion had gone abroad that Government was not so attentive to the colonies as they ought to be, and that they looked to this country as the great workshop which has to supply the colonies. He trusted, however, that such was not the case.

The CHANCELLOR of the EXCHEQUER said he had no intention of following his Hon. friend through all his details, because it must appear clear to every Hon. Member, that it would be improper, particularly at the present moment, to introduce such a clause into the Bill—(hear.) In fact, he could hardly believe his Hon. friend serious in attempting to introduce a new system into the Bill, after they had been sitting upwards of a month on it in Committee—(hear.) When the Hon. Member spoke of the importance of the colonies, and the claims they had to the protection and support of the mother country, he agreed in every word that he said, but, even from the Hon. Member's own showing, it would be inexpedient to introduce a new and complicated measure into one which, God knows, was complicated enough—(hear, hear.) They had sat already a month in Committee, and if they were to adopt the principle of his Hon. friend, there would be no end to the business. He was sure his Hon. friend had not brought it forward with any injurious intention, but, looking at its complicity and the discussion to which it might lead, he could not conceive any one of a more hostile ten-

gency. He would not, therefore, enter into any discussion, because if the subject was to be taken up at all, it ought to have a separate discussion. He would only appeal to the House whether such an addition to the Bill would not obstruct its progress, and discussion on it only delay the House from going into Committee?—(Hear.)

Sir JOHN MALCOLM said he would not follow the Hon. Member for Middlesex through the detail of his Speech, but he must confess he thought the Hon. Gentleman had made out a case in favour of his motion. It was necessary that there should be a species of representation for India and the colonies, of which they were of necessity deprived by the Bill. He need not urge to the House the reasonableness of having in it men conversant with the manners and habits of the people of those distant parts of the world connected with this country. It could not be denied that the operation of the measure would remove that facility by which the colonies had been hitherto represented, and this seemed to be felt by the Chancellor of the Exchequer himself. For his (Sir John Malcolm's, own part, he certainly should support the proposition of the Hon. Member for Middlesex, but without pledging himself to any part of the detail into which the Hon. Member entered. He trusted that His Majesty's Government would give their serious attention to the subject, and propose some expedient to meet the difficulty created by the Reform Bill, with respect to a want of Colonial representation—(hear.) He apprehended that when the Bill was passed, Government would direct its attention to that great question, the subject of India, and he should endeavour to bring to that discussion, a mind free from prejudice. Upon that subject he would not now enter: nor would he detain the House longer, knowing there was an anxious desire to go into the Committee on the Reform Bill.—(Hear.)

Sir GEORGE STAUNTON supported the motion, but owing to the low tone of voice in which he spoke, and

his position in the House, he was most imperfectly heard in the gallery.

Sir C. WETHERELL said that the attention of the House was now called to a subject as important as any which had come under its discussion. The opinion of Mr. Burke had been quoted to show that he was unfavourable to the colonists having direct representatives in that house. A more able man, one with more information, and a greater desire to benefit his country, could not be found. Now what did Mr. Burke in effect state? Why, according to the abstract principle upon which the House of Commons was then constituted, the colonies ought to have representatives, but practically he felt it a great difficulty to overcome. But Mr. Burke was speaking of the existing Constitution of the Country—[Hear, hear.] And if the Constitution was to be torn up in the way the Bill contemplated, the difficulty in having representatives for the colonies under the new Constitution was not insuperable—[Hear, hear.] Mr. Burke's objection was, because it was contrary to existing things, *rebus extantibus*. But there was no longer any thing in such an objection, because the Bill had removed the cause of it. What was done with the colonies, he begged to enquire? Were they not taxed? Certainly not in the same way that the House of Commons had attempted to tax America. Nevertheless he would contend that the colonies were subject to a taxation. The trade was regulated, the import and export duties were imposed by the Legislature. It might not be pleasant to awaken a reminiscence of the Chancellor of the Exchequer, otherwise he would ask the Noble Lord what was the regulation of duty on American timber and Cape wine, but a species of taxation on the colonies?—[Hear, and a laugh.] This country, it could not be denied, internal and external, directly and indirectly, did levy monies on the colonies. When there was about to be a reduction of thirty-three members of that House—for which, by-the-bye, the noble Lord had given no satisfactory rea-

son—when the Bill excluded all the Members for the colonies, who had an indirect mode of gaining admission to that House, without there being any mode substituted for the omission thus created, he thought that the motion of the Hon. Member for Middlesex was one of great importance. For although the Bill created Members for Brighton, and Chelmsford, and Greenwich, yet it left unrepresented the Continent of India, the West India Islands, and Canada—[Hear.] The vast population of India, the property there at stake—the West Indian possessions, with all its valuable interests, and Canada, were all to be disregarded, in order that the interests of those who catch white bait at Greenwich may be attended to, as well as the interests of those who go down to Cheltenham or Brighton for their health.—[Laughter.] The promoters of the Bill had shut out all access to that House for those who represented the large colonial possessions belonging to this country, in order that they might rear up a miserable interest, not a thousandth part so important to the kingdom. But the new Constitution was going to pieces from its magnitude. Every day opened a page of levity and folly, of injustice and unfairness, of inconsistency and weakness, in the measure.—The principle adopted by the Romans in their conquests was to receive in their Senate the Representatives of the conquered colonies. He proceeded to argue that the colonies being deprived of the access they formerly had to representation in this Legislature, ought to have some new avenue thrown open to them.

Mr. BURGE supported the instruction moved by the Hon. Member for Middlesex. It was stated by Honorable Gentlemen to be a novel and unheard of proposition, but it was to be recollected that a proposal, almost the same in substance, had been made by Lord Carlisle and Sir Henry Clinton, the Commissioners sent out from this country to the American colonies. They had offered to allow direct representation in the British Parliament, and

though other parts of their conduct had been impugned, no blame had ever been cast upon them, either in or out of Parliament, for making this proposition. The Hon. Member contended that there was not any one acquainted with the British Parliament for the last twenty years who could show that there ever had been any thing like combination amongst those who represented the colonies, and thus the argument of the Hon. Member for Taunton (Mr. Labouchere) fell to the ground, as there never had been, and never could be, any combination amongst interests so different and unconnected.

Sir CHARLES FORBES rose simply to express his cordial approval of the Hon. Member for Middlesex, for the representation which was enjoyed by the colonists under the present system of returning Members to Parliament being about to be taken away from them by the Reform Bill, which he wished, and hoped, and believed, would not pass into a law, he was quite satisfied that the interests of those highly important and valuable possessions of England, her colonies, ought not to be overlooked.

Sir GEORGE MURRAY said that he felt extremely glad to find such attention had been paid by the House to the proposal of the Member for Middlesex, and also that the important observations with which the Hon. Member had introduced his motion, had received so full a consideration. It had certainly appeared to him, during the long debates which had taken place on the Reform Bill, that the House had altogether forgotten that the British empire did not entirely consist of the immediate islands of Great Britain and Ireland, but that it partly consisted of some highly important and valuable foreign possessions in the East and West Indies, and other parts of the globe; of the importance of these possessions he was always, however, fully impressed; and he must take leave to express the satisfaction with which he had heard the Hon. Member for Middlesex express his opinions, as he had feared, from the general tenor of that Hon. Member's arguments in

the House, that he did not entertain any high estimate of the value of the colonies. It had been clearly incontrovertibly shown by that Hon. Member, and by the Hon. Member for Taunton, that the virtual representation at present enjoyed in their House, under the present mode of election, by the colonists, would be utterly and completely taken away from them by the measure now undergoing consideration; and that when the Reform Bill had passed into a law, the House would be found to be composed entirely of Members who would be returned to support local interests alone, thus depriving the colonists entirely of that virtual representation which had been found to be so beneficial to them. He rose, therefore, merely to express his conviction of the necessity Ministers or the House would be under either of adopting or modifying the plans of the Hon. Member for Middlesex, or of taking the idea suggested by the Hon. Member for Taunton into their serious consideration, with a view to remedy the great and important evil which would result to the colonists. The Noble Lord (the Chancellor of the Exchequer) opposite, on various occasions, when Hon. Members who were otherwise friendly to the Bill had got up to make any amendment or to suggest any improvement in its details, had observed that such a proceeding evinced a desire on their part to defeat the Bill. Now, he would not admit this to be the fact, with respect to the proposal before the House, for both the Hon. Members for Middlesex and Taunton were direct and warm supporters of the Bill, and not its enemies. It was surely the duty of Ministers, if the Bill must pass into a law, to endeavour to make it as beneficial as possible to the country; and he would venture to predict, that when all those places which were to be furnished with Representatives had received their allotted portion of influence in that House, it would be found that the Bill, so far from giving a representative to these particular interests of the country, which those vast and complicated interests required, actu-

ally deprived many of them, and those too most important ones, of the virtual representation they now enjoyed.

The CHANCELLOR of the EXCHEQUER said he was averse to the measure as it would impede the Reform Bill—it ought to form a separate measure.

Mr. HUME with all sincerity expressed his deep and sincere regret for disturbing the arrangement of the night when he had brought forward his motion; but, at the same time, he had expressed his conviction that the condition to which the colonies would be reduced had rendered the adoption of such a course imperative on him. He therefore claimed a right to have his own explanation taken as to his reasons for pressing his motion, and not to have them attributed to arise from a hostile feeling to the Bill. He, for his part, was satisfied that his suggestion might either be adopted or modified by ministers, so as to become of advantageous application to the mother country and her colonies, and so also, as to improve the Reform Bill, and to render it more complete.

The motion was then put, and negatived without a division.

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